

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2940 of 2020**

- Manbahal S/o Dhanauram Aged About 55 Years Working As Labour At Present Posted At Sub Minor Khairagarh Sub Division Khairagarh, Water Resources Department Division Chhuikhadan, District Rajnandgaon Chhattisgarh, R/o Village Birutola Post Office And Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Water Resources, Mahanadi Bhawan, Mantralaya, Atal Nagar Raipur Chhattisgarh
2. Executive Engineer Department Of Water Resources Division Chuikhadan, District Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner : Shri F.S. Khare, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****04/08/2020**

1. Heard.
2. Learned counsel for the petitioner submits that the Division Bench of this Court in the case of Tukaram Vs. State of Chhattisgarh (WPC No.1703 of 2015 and batch of petitions) concludes the issue raised in this petition that for the purpose of considering cases for regularization under circular dated 5/3/2008 of the State Govt., an employee shall be deemed to continue in service from initial date of appointment where his termination order has been set aside and he has been reinstated by an award of the Labour Court.

3. Learned counsel for the State submits that the legal position is settled but the matter would require consideration on verification of facts.
4. The petitioner was initially appointed in the year 1982 as daily wage employee. He was later on terminated from service in the year 2001. The order of termination was challenged before the Labour Court and an award was passed on 06.05.2008 by which the petitioner was re-instated in the year 2008. In view of the decision of the Division Bench in the case of Tukaram (supra), it is settled that the effect of reinstatement would be continuity in service, therefore, the petitioner's case ought to be considered for regularization treating him to be a daily wage employee working continuously from 1982.
5. The impugned order passed by the authority is clearly in the teeth of order of Division Bench and cannot be sustained and is accordingly set aside. The petitioner's case for regularization be re-considered by the respondent-authority treating him to be continued in service working as daily wage employee from the year 1982 and appropriate decision be taken within a period of three weeks from the date of receipt of copy of this order.
6. The petition is accordingly allowed.

Sd/-

Goutam Bhaduri
Judge

Ashu