

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3004 of 2020**

- Rameshwar Sahu S/o Late Shri Jagatram Sahu Aged About 37 Years R/o Village- Sambalpuri, Post And Police Station- Sakri, District- Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh
2. Engineer-In-Chief Public Works Department, Nirman Bhawan, Atal Nagar, Nava Raipur, District- Raipur, Chhattisgarh
3. Chief Engineer Public Works Department, Bilaspur-Circle, District- Bilaspur, Chhattisgarh
4. Executive Engineer Public Works Department, Division No. 1, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner : Shri S.P. Kale, Advocate

For Respondents/State : Ms. Akanksha Jain, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****07/08/2020**

1. Heard.
2. Grievance of the petitioner, as ventilated through this petition is that even though the petitioner is continuing as daily wage employee since long, his claim for regularization has not been decided till date. It is submitted that though the petitioner was terminated in the year 2000, award of reinstatement was passed in his favour by the Labour Court in the year 2015 with the legal consequence

that the petitioner shall be deemed to be in service from the initial date of appointment in the year 1994.

3. If the case of the petitioner is considered treating his initial date of appointment as in the year 1994, he would be entitled to be considered for regularization under circular dated 05/03/2008 issued for consideration of cases of regularization pursuant to direction of the Supreme Court in the case of Secretary, State of Karnataka and others Vs. Uma Devi (3) and others, 2006 (4) SCC 1 for consideration of cases of those, who have completed 20 years of service.
4. After going through the records and orders passed by the Labour Court, it is quite clear that the effect of the order would be that the petitioner shall be deemed to be in service without any break. This would entitle the petitioner for due consideration for regularization under circular dated 05/03/2008. It is ordered accordingly.
5. Let the case of the petitioner be considered by a duly constituted Committee as per policy dated 05/03/2008 and a decision be taken within an outer limit of three months from the date of receipt of copy of this order.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu