

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 967 of 2019**

- Yashwant Kumar Lohiya S/o Shri Laxminarayan Lohiya Aged About 49 Years
R/o Behind Indira Aawas, Uslapur, Kantkhar, Post Sakri, P. S. Chakarbhata,
Civil And Revenue District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer Water Resources Department Bilaspur, Chhattisgarh
3. Executive Engineer Hasdeo Barrage, Water Management Division, Janjgir, District Janjgir Champa, Chhattisgarh
4. Sub Divisional Officer Hasdeo Barrage, Water Management Division, Janjgir District Janjgir Champa, Chhattisgarh

---- Respondents

For Petitioner : Shri Anuroop Panda, Advocate appears on behalf of Shri B.D. Guru, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri**Order****29/06/2020**

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 1996, award of reinstatement was passed

in his favour by the Labour Court on 14.10.2011 with the legal consequence that the petitioner shall be deemed to be in service from the initial date of appointment in the year 1996.

3. If the case of the petitioner is considered treating his initial date of appointment as in the year 1996, 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 21 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

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 385 of 2020**

- Yashwant Kumar Lohiya S/o Shri Laxminarayan Lohiya Aged About 49 Years R/o Behind Indira Aawas, Uslapur, Kantkhar, Post Sakri, Police Station Chakarbhata, Civil And Revenue District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Chief Engineer Water Resources Department, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
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4. Sub Divisional Officer Hasdeo Barrage, Water Management Division, Janjgir, District Janjgir Champa Chhattisgarh.

---- Respondent

For petitioner	:	Mr. Anuroop Panda, , Advocate.
For State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order**11-08-2020**

1. Heard.
2. It is contended that in the order dated 29-6-2020 passed by this court in WPS No.967 of 2019 there are some typographical mistakes in para 2 and 3 wherein initial date of appointment of the petitioner has been shown in the year 1996

whereas it is 1989.

3. Perused the original petition wherein in para 8.2, initial date of appointment has been written in the year of 1989.
4. In view the above, in the order dated 29-6-2020 passed in WPS No.967 of 2019, in para No.2 and 3 initial date of appointment be read as 1989.
5. With the aforesaid modification, the instant MCC stands disposed of.

Sd/-
(Goutam Bhaduri)
J U D G E

Raju