

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3792 of 2020**

- Rajesh Kumar Kashyap S/o Shri Lomesh Ram Aged About 54 Years R/o Patganva, Via-Pendra, Post And Police Station- Pendra, District - Gaurela-Pendra-Marwahi (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Secretary Department Of Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District - Raipur (Chhattisgarh)
2. Collector District- Gaurela-Pendra-Marwahi (Chhattisgarh)
3. District Education Officer District- Gaurela-Pendra-Marwahi (Chhattisgarh)
4. Principal Government Gurukul School, Pendaroad, Block - Pendra, District- Gaurela-Pendra-Marwahi (Chhattisgarh)

---- Respondents

For Petitioner : Shri S.P. Kale, Advocate

For Respondents/State : Shri Sudeep Agrawal, Dy. AG

Hon'ble Shri Justice Goutam Bhaduri**Order****29/09/2020**

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 on 08.04.1990, award of reinstatement was passed in his favour by the Labour Court in the year 1996 with the legal consequence that the petitioner shall be deemed to be in service from the initial date of

appointment in the year 1989.

3. If the case of the petitioner is considered treating his initial date of appointment as in the year 1989, 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 specified period 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 six 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