

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4165 of 2020**

1. Bramha Ram Chandel S/o Tulsi Ram Aged About 52 Years R/s Village Brudhaanbhatta Police Station Chhuiekhadan District- Rajnandgaon, Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources Mantralaya, Mahanadi Bhawan, Naya Raipur, Civil /revenue District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Chief Engineer Office Of Water Resources, Mahanadi Godawari Kachhar Raipur, District : Raipur, Chhattisgarh
3. Executive Engineer Water Resources Division, Chhuiekhadan Civil/revenue District Rajnandgaon, District: Rajnandgaon, Chhattisgarh. **---- Respondents**

For Petitioner : Ms. Saumya Sharma, Advocate.

For State : Shri Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08.12.2020**

1. The case of the petitioner is that the petitioner was initially engaged in service in the year 1985. Subsequently, services of the petitioner were dispensed with in the year 1998 which led to industrial dispute under Industrial Disputes Act. The labour court passed the award on 5-7-2005 in case No.14/I.D.Act/2001. Thereafter, the services of the petitioner along with others were reinstated and when the petitioner along with others were not regularized, the petitioner along with others filed Writ Petition No. 3307 of 2013 wherein this court on 17-6-2014 passed the order and relevant portion thereof is quoted as under:-

“7. For the foregoing, this court is of the considered view that the petitioners' case deserves to be considered by the State Government under the circular dated 5-3-2008. Accordingly, it is directed that the respondents shall consider the case of the petitioner for regularization in accordance with the circular dated 5-3-2008 treating them to be in continuous service, as early as possible”.

2. Learned counsel for the petitioner submits that thereafter case of similarly situated persons was considered and they were regularized. However, case of the petitioner for regularization was not considered and the petitioner has got only a few years left for retirement. He would further submit that the petitioner being 52 years old person cannot approach the court time and again and therefore, he was given assurance given by the State authorities for consideration of his case.
3. Perusal of the document would show that in the earlier order passed in the year 2014 a specific direction was given by this court to consider the case of the petitioner along with others for regularization. Therefore, the order already exists in favour of the petitioner for consideration for regularization in accordance with circular dated 5-3-2008. If the case of the petitioner is left out, obviously he would suffer an irreparable loss.
4. It has been reflected from the pleadings that the petitioner has made repeated representations to the respondents in this regard, which till has not been favorably considered by the respondents.
5. Considering the fact that the petitioner has got only a few years left for retirement, the respondent authorities are directed to consider the case of the petitioner pursuant to the earlier order passed by this court on 17-6-2014 within a period of 90 days from the date of receipt of a copy of this order, if the petitioner is entitled to be regularized, the order may be passed with ancillary benefits which would have accrued to him on regularization.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge