

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10814 of 2019**

1. Deepak S/o Bishal Aged About 45 Years R/o Village Post Madiyan, Tahsil Dongargarh, District - Rajnandgaon Chhattisgarh.
2. Birjhu S/o Mehtar, Aged About 50 Years R/o Village Bichchitola, Post Ramatola, Tahsil Dongargarh, District - Rajnandgaon Chhattisgarh.
3. Dular Ram Verna S/o Parasram, Aged About 46 Years R/o Village Bichchitola, Post Office - Ramatola, Tahsil Dongargarh, District - Rajnandgaon Chhattisgarh.
4. Brujlal S/o Parasram Aged About 50 Years R/o Village Bichchitola, Post Ramatola, Tahsil Dongargarh, District - Rajnandgaon Chhattisgarh.
5. Govind S/o Bhukhram Aged About 49 Years R/o Village Bichchitola, Post Ramatola, Tahsil Dongargarh, District - Rajnandgaon Chhattisgarh.
6. Sonu S/o Mehtar Aged About 55 Years R/o Village Bichchitola, Post Ramatola, Tahsil Dongargarh, District Rajnandgaon Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources Mantralaya, Mahanadi Bhawan, Naya Raipur, District - Raipur Chhattisgarh.
2. Executive Engineer Water Resources Division, Chhuiekhadan, District - Rajnandgaon Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Gary Mukhopadhaya, Advocate
For Respondents/ State	:	Shri Kapil Maini, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****02/01/2020**

1. The grievance of the petitioners is that though they were appointed as daily wage employees in the year 1988, their services were terminated in the year 2000, against which, the petitioners approached Labour Court and order of reinstatement was passed on 06.01.2006 in petitioners favour. In the meantime, number of daily wage employees have been considered and

granted regularization as per circular dated 05.03.2008 promulgated by the State Government to consider cases of daily wage eligible employees for regularization as one time measure in compliance of the judgment of the Supreme Court in the case of Secretary, State of Karnataka & Ors. Vs. Umadevi (3) and Ors.,(2006) 4 SCC 1).

2. Learned counsel for the petitioner would submit that after the order of reinstatement was passed by the Labour Court which has a effect, the services were continued. The petitioner was entitled for regularization as in the meanwhile the petition preferred by the State government against the order of the Labour Court was also dismissed on 27.11.2013, therefore, the petitioner are also entitled for the consideration of regularization as their services were deemed to be continued.
3. It is submitted that as the legal consequence of reinstatement would be continuity in service and the petitioner having actually been reinstated in service and working as a daily wage employee, is entitled to be considered.
4. Learned State counsel do not dispute the fact that similar issue has been decided in WPS No. 4662 of 2016 on 15.09.2016.
5. Having considered the aforesaid submissions and the material on record, particularly taking into consideration that the effect of reinstatement would be continuity in service ever since the date of initial appointment, the claim of the petitioner does not appear to be frivolous and requires serious consideration in the light of circular dated 05.03.2008 and the judgment of the Supreme Court in the case of Umadevi (supra). Accordingly, the respondents are directed to consider petitioner's claim for regularization strictly in accordance with circular dated 05.03.2008 and judgment of the Supreme Court in the case of Umadevi (supra).
6. With the aforesaid observation/direction, the petition is finally disposed off.

Sd/-

Goutam Bhaduri
Judge