

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10788 of 2019**

- Harprasad Kashyap S/o Late Shri Devsharan Kashyap Aged About 45 Years R/o Village Awarid, Post Semra, Police Station Janjgir, District Janjgir Champa Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Water Resources, Mantralaya, Naya Raipur, Raipur Chhattisgarh.
2. Engineer In Chief Department Of Water Resources, Sihawa Bhawan, Civil Lines, Raipur , District Raipur Chhattisgarh.
3. Chief Engineer Minimata Bango Project , Department Of Water Resources, District Bilaspur Chhattisgarh.
4. Executive Engineer Minimata Bango Canal Division No. 6, Nandelibhata, Sakti , District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioner : Shri S.P. Kale Advocate

For Respondents/State : Shri Kunal Das, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06/01/2020**

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 1995, 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 1985.

3. If the case of the petitioner is considered treating his initial date of appointment as in the year 1985, 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 34 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.

Sd/-

Goutam Bhaduri
Judge