

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10852 of 2019

Suraj Sahu S/o Balaram Sahu Aged About 58 Years R/o Indira Udyan,
Akaltara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa,
Chhattisgarh **--- Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Forest Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The Chief Conservator of Forest Aranya Bhawan, North Block, Sector 19, Atal Nagar, New Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. The Divisional Forest Officer Forest Division, Champa, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh **---**

Respondents

For the Petitioner : Mr. Priyanshu Gupta, Advocate

For the State/Respondents : Ms. Akanksha Jain, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.01.2020

1. The claim of the petitioner is for an appropriate direction to the respondents to consider the case of the petitioner for regularization.
2. The contention of the counsel for the petitioner is that the petitioner was initially appointed in 01.03.1983 and he continued to work under the Department till 1997. Thereafter, the services of the petitioner were abruptly discontinued. The discontinuance of service was challenged before the Labour Court by raising a dispute. The dispute was referred by the State Govt. to the labour Court in the year 2007. the Labour Court passed an award on 01.04.2010 granting the benefit of reinstatement without backwages but with continuity in service. The State authority did not further challenge the award of the labour Court and reinstated the petitioner in

service on 2010 and since then the petitioner is working with the respondents..

3. According to the counsel for the petitioner, considering the directives given by the Labour Court whereby the petitioner has been granted the benefit of continuity in service and the initial date of appointment being the year 1983, the petitioner is entitled for regularization in terms of the circular of the State Govt. dated 05.03.2008. According to the petitioner, his claim for regularization has till date has not been considered by the respondents.
4. Given the aforesaid facts of the case, particularly taking note of the award of the Labour Court dated 01.04.2010 wherein there is a specific relief of reinstatement with continuity of service, the case of the petitioner also requires consideration.
5. Accordingly, the present writ petition stands disposed of with a direction to the respondents to consider the claim of the petitioner in the light of the Circular dated 05.03.2008. While deciding the same, the authority concerned would keep in mind the award of the Labour Court dated 01.04.2010. Let an appropriate decision be taken as early as possible preferably within a period of 4 months from the date of receipt of copy of this order.

Sd/-

(GOUTAM BHADURI)
JUDGE