

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 4837 of 2010

1. State of Chhattisgarh, through: Secretary, Water Resources Department, Mantralaya Bhawan, Raipur, Chhattisgarh
2. The Superintending Engineer, Mahanadi Jal Pariyojna Mandal, Rudri, District Dhamtari, Chhattisgarh
3. The Executive Engineer, Mahanadi Jal Pariyojna Mandal, Division No.3, Rudri, District Dhamtari, Chhattisgarh
4. The Sub-Divisional Officer, Peiry Mahanadi Link Pariyojna, Sub Division, Rudri, District Dhamtari, Chhattisgarh

---- Petitioners

Versus

1. The President, Chhattisgarh Jalashay Pariyojna, Avam Lok Nirman Shramik Sangh, Rudri, District Dhamtari, Chhattisgarh
2. The Presiding Officer, Labour Court, Raipur, Chhattisgarh

---- Respondents

For Petitioners/State : Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/06/2021

1. None appears for the respondents-Union. Initially the Union was served, but there was no representation. Subsequently, on 17.09.2015 this Court had ordered for service to be made upon the three workers involved in the dispute before the Labour Court.
2. The State Government has subsequently by way of an affidavit brought on record the Dasti service made upon Ghururam Dewangan and Ishwari Prasad Verma. In spite of Dasti Service, there is no representation on their behalf. As regard the third worker Uttam Kumar Sahu, the learned Deputy Advocate General submits that he has

instructions to state that the said worker has since expired on 26.04.2007 and the State has also brought the death certificate on record. Thus, the whole dispute now revolves around the two workers Ghururam Dewangan and Ishwari Prasad Verma.

3. Learned counsel for the State submits that pending the writ petition before this Court, there is a development that has transpired wherein keeping in view of the judgment of the Hon'ble Supreme Court in the case of **“State of Karnataka and Others Vs. Umadevi (3) & Others” 2006(4) SCC 1** dealing with the subject of regularization the State Government as a policy decision has issued a circular dated 05.03.2008 ordering for regularization of all those workers engaged prior to 31.12.1997. Based upon the said circular, both these workers namely Ghururam Dewangan as also Ishwari Prasad Verma both were regularized in service and moreover both these workers have also given a joint affidavit of relinquishing all their claims, if any, for the period prior to the date of regularization dated 13.08.2008, whereby both these workers have been ordered to be regularized.
4. According to the learned State counsel, given the said factual matrix of the case, the respondents do not seem to be interested in pursuing with the present writ petition any further. This Court accepting the contention put forth by the State counsel and also considering of order of regularization in favour of the workers Ghururam Dewangan and Ishwari Prasad Verma dated 13.08.2008 is of the opinion that the workers do not further seem to contest the matter in the light of the whatever benefit that they have got vide the order of regularization dated 13.08.2008 and the affidavit thereafter furnished by them

relinquishing all there claim, if any, for the previous period. Accordingly, the present writ petition at this juncture stands disposed of holding that in the light of the regularization dated 13.08.2008 passed by the petitioners-State in favour of the two workers Ghururam Dewangan and Ishwari Prasad Verma the impugned award under challenge in the present writ petition shall not be acted upon any further nor shall the same be placed for its implementation at a later stage by any of the beneficiaries.

5. The writ petition therefore stands disposed of with the aforesaid observations.

Sd/-
(P. Sam Koshy)
Judge

Ved