

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 2282 OF 2021**

- Heera Lal, S/o Mansha Lal Satnami, aged about 45 years, R/o Village Lanjhiyatola, Tehsil Chhuiekhadan, District Rajnandgaon (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Department of Water Resources, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Executive Engineer, Water Resources, Division Chhuiekhadan, District Rajnandgaon (CG)

... Respondents

For Petitioner	:	Ms. Saumya Sharma, Advocate.
For Respondents/State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/06/2021**

1. The prayer made by Petitioner through the present Writ Petition is for a direction to Respondents to consider his claim for regularization.
2. Brief facts of the case are that the Petitioner for the first time was engaged as a Daily Wage Employee on 3.5.1986. He continued to work as a Daily Wage Employee right up till 30.10.2008 when abruptly his services stood discontinued. The discontinuance was immediately challenged by way of raising an Industrial Dispute and the dispute was thereafter referred to the Labour Court, Rajnandgaon where the case was registered as Case No. 53/ID Act.2013/Ref.
3. The Labour Court finally after considering all the evidences on record passed an Award on 25.4.2015 granting relief of reinstatement without back-wages. However, it was specifically held by the Labour Court that the intervening period, that is the period during which the Petitioner was out of employment under litigation, would be treated as a period spent on duty.

4. Subsequent to the passing of the Award by the Labour Court, the Petitioner was immediately reinstated in service and he still continues to serve the Respondents as a Daily Wage Employee. Record would show that the worker had worked for a period of around 22 years from 1986 to 2008 and thereafter on his reinstatement in 2015 he again put in more than 6 years of service.

5. The claim of Petitioner is for a direction to Respondents to consider his case for regularization in the light of the Circular dated 5.3.2008 and the subsequent circulars issued by the State Government so far as regularization is concerned.

6. Considering the fact that the Petitioner by virtue of the order of the Labour Court would be treated as in continuous service from 3.5.1986 to till date and which also gets its strength from the judgment of the Division Bench of this High Court in the case of Tukaram Sahu v. State of C.G. and Other connected matters [WPS No.1703 of 2015, decided on 16.5.2017], it is directed that Respondents shall take an appropriate decision in the case of Petitioner for regularization, at the earliest, preferably within a period of three months from the date of receipt of copy of this Order.

7. Writ Petition accordingly stands disposed of.

Sharad

**Sd/-
(P. Sam Koshy)
JUDGE**