

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3438 of 2021

1. Anand Singh Sidar S/o Shri Pratap Singh Sidar, Aged About 51 Years R/o Village and Post Bahir Kela Tahsil Gharghoda, District Raigarh Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through - Secretary Forest Department Mantralaya, Naya Raipur, Raipur Chhattisgarh.
2. Chief Conservator Of Forest Bilaspur Circle Jarhabhata Bilaspur, District - Bilaspur Chhattisgarh.
3. Divisional Forest Officer, Forest Division - Bilaspur, District - Bilaspur Chhattisgarh.
4. Forest Range Officer, Forest Department, Raigarh District - Raigarh Chhattisgarh.

---Respondents

For Petitioner	:	Shri KPS Gandhi, Advocate.
For Respondent State	:	Shri Suyash Dhar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.07.2021

1. The claim of the petitioner is for an appropriate direction to the respondents for regularizing his services under the respondents.
2. According to the petitioner, he was initially appointed in the year 1987 as daily wage worker and to continued to work as daily wage worker till 2013 when his services were abruptly discontinued. The order of discontinuation of service was subjected to challenge before the Labour Court vide case No.13/ID Act/2014 (Ref.). The Labour Court finally passed an award of reinstatement without backwages on 17.11.2015. Thereafter the services of the petitioner was immediately taken back by the respondents and he is continue working with the respondents since then.
3. If the case of the petitioner is considered treating his initial date of appointment as in the year 1987, 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 20 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-
(P. Sam Koshy)
Judge

inder