

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4074 of 2018**

Sitaram Tandekar S/o S/o Shri Narotam, Aged About 51 Years Village Dhara, Post Dhara And Thana Mohara, Tahsil Dongargarh, And District Rajnandgaon, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan, New Mantralaya, Raipur, Chhattisgarh.
2. Principal Chief Conservator Of Forest, Head Quarter Jail Road Raipur, Chhattisgarh.
3. Conservator Of Forest, Durg, Circle Durg, District Durg, Chhattisgarh.,
4. Divisional Forest Officer, Khairagarh, District Rajnandgaon, Chhattisgarh
5. Sub- Divisional Forest Officer, Sub- Forest Division Khairagarh/ Chairman Scrutiny Committee Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri F.S. Khare, Advocate.
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****11.06.2021**

1. The claim of the petitioner in the present writ petition is for an appropriate direction to the respondents for considering his case for regularization.
2. During the course of hearing, it has been revealed that the petitioner had in-fact initially worked under the respondents between 1990 to 2004, thereafter his service was discontinued. The petitioner-worker thereafter had raised an industrial dispute vide case No. 197/I.D.

Act/Ref./2008. The said reference was decided by the award dated 16.11.2011 pronounced on 05.01.2012. The Labour Court vide the said award had granted the relief of reinstatement with 50% back wages. The further material available shows that the said order of reinstatement with 50% back-wages was challenged by the State Government vide WP(L) No. 97/2012. The said writ petition of the State Government has been decided only on 09.06.2021. This Court has partly allowed the said writ petition affirming the order of reinstatement, however the awarding of 50% back-wages has been set aside by this Court.

3. Given the said fact that the order of reinstatement of the worker was under challenge before the High Court, the authorities could not have expected to have considered regularizing the service of the petitioner in between. However, now that the said writ petition i.e. WP(L) No 97/2012 stands decided affirming the order of reinstatement and also taking note of the fact that the petitioner was reinstated after the award of the Labour Court on 23.01.2012 and since then he has been continuously working with the respondents till date i.e. for a further period of 8 years by now. The claim for regularization of the petitioner fructifies only from 09.06.2021 after the disposal of the aforesaid writ petition.
4. Given the said facts, the petitioner herein is now directed to approach the respondents by way of a detailed representation afresh supported with all relevant documents and records that is in his possession claiming for regularization in accordance with the circulars issued by the State Government from time to time dealing with the regularization.

Subject to the petitioner making a representation in this regard, the authorities concerned may take an appropriate decision in accordance with the policy governing the field and also the various judgments laid down by this Court from time to time at the earliest preferably within a period of four weeks from the date of receipt of copy of this order.

5. It is made clear that the claim for regularization of the petitioner has to be decided a fresh without being influenced by the earlier decision taken by the authority in rejecting his claim for regularization under the then prevailing facts and circumstances.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge