

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5884 of 2021**

Harishankar S/o Babulal Patel Aged About 53 Years Working As Shramik On Daily Wages At Balar Canal, Sub Division Kasdol, Tahsil And Police Station - Kasdol, District - Baloda Bazar Bhatapara Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Its Secretary, Department Of Water Resources, Mahanadi Bhawan, New Raipur, Police Station - Rakhi, Atal Nagar Raipur, District Raipur Chhattisgarh
2. Chief Engineer, Water Resource Department, Mahanadi Godawari Kachhar, Shaker Nagar Chhattisgarh
3. Executive Engineer, Water Resource Division, Baloda Bazar Bhatapara Chhattisgarh
4. Sub Divisional Officer, Water Resource Division, Kasdol Tahsil And Police Station - Kasdol, District - Baloda Bazar Bhatapara Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Vinod K. Deshmukh, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/10/2021**

1. With the consent of the parties, the matter was heard finally at the admission stage.
2. The claim of the petitioner in the present writ petition is for an appropriate direction to the respondents for considering his claim for regularization in service.
3. The facts of the case in brief is that according to the petitioner he was initially engaged as a daily wage worker by the respondents as early as on 01.05.1984. He continued to work under the respondents for a

period of roughly 10 years and he stood discontinued w.e.f. 01.08.1994.

4. The discontinuance part was challenged by the petitioner by way of a dispute under Section 31(3) of the MPIR Act, 1960. The said case was registered as Case No 194/MPIR Act/95. The said dispute stood allowed in favour of the worker-petitioner as early as on 10.05.2001. The order of Labour Court was subjected to challenge in an appeal under Section 65 before the Industrial Court and the Industrial Court also vide order dated 26.07.2003 rejected the appeal of the State. The petitioner was reinstated in service w.e.f. 08.01.2007 and since then the petitioner uninterruptedly is working under the respondents. Thereafter the petitioner after considerable period of time filed a writ petition before this Court vide WPS No. 1251/2014, which was disposed of on 12.03.2014 directing the respondents to consider and decide the claim of the petitioner for regularization within a period of 6 months. However, till date no decision has been taken by the respondents. The petitioner prays that the respondents may be directed to act on the order passed by the Writ Court earlier dated 12.03.2014.
5. Without expressing any opinion on the merits of the case, since there is already an order passed by this Court as early as on 12.03.2014 for taking an appropriate decision, which till date according to the petitioner has not been decided, the writ petition at this juncture is disposed of directing the respondents to take an appropriate decision on the aspect of regularization keeping in view the circulars of the State Government and the judgment of the Division Bench of this

Court in the case of “**Tukaram Sahu**” (supra) at the earliest preferably within a period of 4 months from the date of receipt of the copy of this order.

6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved