

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 5786 of 2021**

- Gokul Prasad Kewat S/o Anau Ram Kewat Aged About 46 Years R/o Village Semariya, Post Office Kosamsara (K) Tahsil Kasdole, District - Balodabazar Bhatpara (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Water Resources, Mahanadi Bhawan, New Raipur Atal Nagar, District - Raipur (C.G.)
2. Chief Engineer Water Resource Department, Mahanadi Project, Shankar Nagar, Raipur (C.G.)
3. Executive Engineer Water Resource Division, Baloda Bazar Bhatapara (C.G.)
4. Sub Divisional Officer Water Resource Division, Kasdol Tahsil And P.S. Kasdol, District - Baloda Bazar Bhatapara (C.G.)

---- Respondents

For Petitioner: Shri Ritesh Giri, Advocate
 For State/Respondents: Ms. Beenu Sharma, Panel Lawyer.

Single Bench: Hon'ble Shri Sanjay S. Agrawal, J**Order On Board****18.11.2021**

1. By way of this petition, the petitioner is challenging the in-action on the part of respondent authorities in not considering the representation of the Petitioner submitted as per the order dated 21.03.2018 passed in WPS/2449/2018 as well as in pursuance of the notification dated 05.03.2008 issued by the State of Chhattisgarh in respect of the regularization of the Petitioner.
2. Learned counsel for the Petitioner submits that the Petitioner was initially appointed as Labour (Shramik) in the year 1987 on Daily Wages and was appointed against the sanctioned vacant post, but he was terminated by

the Respondent authorities by oral order dated 01.08.1994. It is submitted further that the alleged termination order was questioned before the Labour Court, Raipur, who, in turn, vide order dated 21.02.2013 (Annexure P-1) has set aside the same and directed for reinstatement of the Petitioner. In pursuance thereof, the Petitioner was reinstated and reported his joining on 18.04.2013 to the said post and since then he is working with the Respondent authorities. Further submission of the Petitioner is that the State Government has issued the notification on 05.03.2008, whereby it is decided that the daily wages employees, who are working prior to 31st December, 1988, would be entitled for regularization on their respective posts.

3. It is submitted further that the Petitioner had earlier filed a petition being WPS No.2449 of 2018, wherein it was prayed for granting of the relief of regularization counting the intervening period, i.e., from the date of termination till the date of order of his reinstatement. The said writ petition was disposed of vide order dated 21.03.2018 (Annexure P-4) whereby it has been directed to consider the case of the Petitioner for counting the previous service as well as the subsequent service for his regularization in accordance with the rules and guidelines framed by the State Government and in pursuance thereof, the Petitioner has submitted his representation for the said purpose on 07.04.2018 (Annexure P5) before the Respondent authorities, but the same has not been decided till date. Counsel for the Petitioner, therefore, prays for disposal of the said representation within the stipulated time.

4. State counsel has raised no objection with regard to the aforesaid contention of the Petitioner, if the same has not been decided till date.

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 21.03.2018 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 by directing the concerned Respondent authorities to take an appropriate decision on the said representation (Annexure P-5), while keeping in view the circulars of the State Government, as early as possible preferably within a period of 4 months from the date of receipt of copy of this order.

6. With the aforesaid observation, the writ petition stands disposed of accordingly.

Sd/-
(Sanjay S. Agrawal)
JUDGE