

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5838 of 2021

1. Jamil Khan S/o Mehman Khan Aged About 46 Years R/o Village Nawagaon, Police Station- Salhewara, Teh. Chhuikhadan, District- Rajnandgaon Chhattisgarh.
2. Satruhan S/o Chherkuram Marar Aged About 48 Years R/o Village Nawagaon, Police Station- Salhewara, Teh. Chhuikhadan, District- Rajnandgaon Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Executive Engineer Public Works Department- Khairagarh, District- Rajnandgaon Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Pramod Ramteke, Advocate.
For State	:	Mr. Ashutosh Mishra, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/10/2021

1. Claim of the petitioner in the present writ petition is for grant of regularization in terms of the circular dated 05.03.2008.
2. Contention of the petitioner is that he has been working on daily wage under the respondents right from 04.05.1996 onwards and therefore his claim is to be considered in terms of the circular dated 05.03.2008 dealing with regularization.
3. Contention of the petitioner is that the service of the petitioner in between was discontinued on 30.10.2008, however the discontinuance was subjected to challenge before the labour Court. The labour Court finally has answered the reference in favour of the petitioner and have ordered for reinstatement in service quashing the illegal termination and petitioner

has been taken back in service on 24.08.2016 and since then he is again in continuous service.

4. Counsel for the petitioner referring to the order passed by this Court in the case of **Tukaram Vs. State of Chhattisgarh & Others**, in **WPS 1703/2015 judgment dated 16.05.2017** claims that the intervening period of discontinuance also has to be treated as the period spent on duty and thereby the respondent authorities should have considered the claim of the petitioner for regularization.
5. Given the aforesaid factual matrix of the case, the entire writ petition at this juncture stands disposed of directing the respondent no.1 & 2 to consider claim of the petitioner for regularization at the earliest in accordance with the circulars governing the filed keeping in view the judgment of this Court in the case of **Tukaram Vs. State of Chhattisgarh & Others** passed in **WPS 1703/2015**.
6. Let an appropriate decision be taken at the earliest preferably within a period of four months from the date of receipt of copy of this order.
7. With the aforesaid observation, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit