

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5094 of 2020**

1. Mahesh Kumar Prajapati S/o Late Shri Dhinuram Aged About 45 Years
Posted As Daily Wager Watchman At Rajak Barrier, A.T.R. Lormi
Range- Surhi, District- Mungeli, Chhattisgarh, R/o Village Mannadol,
Chhattisgarh
----Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Forest,
Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur,
Chhattisgarh
2. Principal Chief Conservator Of Forest, Department Of Forest, Aarny
Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
3. Chief Conservator Of Forest, Bilaspur Division Bilaspur, District-
Bilaspur, Chhattisgarh
4. District Forest Officer, Mungeli, District- Mungeli, Chhattisgarh
----Respondents

For Petitioner	:	Mr. Anadi Sharma, on behalf of Shri Sandeep Singh, Advocate
For State	:	Mr. Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12.01.2021**

1. The limited relief sought for in the present writ petition is for grant of relief of regularization.
2. Perusal of the record would show that the petitioner was initially engaged as a Watchman by the respondents on daily wage basis in the year 1995. However, the services stood discontinued w.e.f. 30.09.1999. From 1999 to 2010/11, the petitioner does not seem to have availed any legal remedies available to him questioning the discontinuance from service and in 2011, the industrial dispute was referred by the

State Government to the Labour Court Bilaspur for deciding the issue of discontinuance from service.

3. The Labour Court vide order dated 11.09.2017 answered the reference in favour of the petitioner only for reinstatement without back wages. In the course of giving the findings, the Labour Court has also given a finding of fact that on the basis of the statement of the petitioner recorded before the Labour Court that subsequent to the discontinuance, the petitioner was working as a daily wage employee elsewhere. After the order of the Labour Court, the petitioner has since been reinstated on November 2017, since when the petitioner is working on the post of daily wage employee. As such, the petitioner from November 2017 till now has worked for a period just about three years time and that even if his earlier employment also is taken into consideration i.e. from 1995 to 1999, it is four years. Admittedly, the petitioner has not put in more than 10 years of service for availing the benefit as is envisaged under the circular of the State Government dated 05.03.2008.
4. For all the aforesaid factual matrix of the case, in the opinion of this Court, since the petitioner has not put in more than 10 years of service, the petitioner does not as of now become entitled for the claim for regularization by the Department. That as and when the petitioner completes the requisite eligibility criteria and it is expected that the respondents shall consider the same in accordance with the circular governing the field
5. The writ petition accordingly, stands rejected as of now, with the aforesaid observations.

Sd/-

**P. Sam Koshy
Judge**