



2026:CGHC:13406

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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 376 of 2021**

- Maniram Sahu S/o Late Shri Guharam Sahu Aged About 49 Years Village- Sikola Basti, Ward No. 16 Durg. Post And Tahsil- Durg, District- Durg (Chhattisgarh), District : Durg, Chhattisgarh
--- **Petitioner(s)**

versus

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan, New Mantralaya, Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. Principal Chief Conservator Of Forest Head Quarter Jail Road Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
3. Chief Conservator Of Forest Durg, Circle Durg, District- Durg (Chhattisgarh), District : Durg, Chhattisgarh
4. Divisional Forest Officer Durg, Division Durg, District- Durg (Chhattisgarh), District : Durg, Chhattisgarh
5. Chairman Scrutiny Committee Durg, District- Durg (Chhattisgarh) / Divisional Forest Officer, Durg District Durg (Chhattisgarh), District : Durg, Chhattisgarh
6. Under Secretary State Of Chhattisgarh, Department Of Forest Mantralaya Mahanadi Bhawan, Atal Nagar, New Raipur District- Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
--- **Respondent(s)**

WITH**WPS No. 397 of 2021**

- Mansingh Dhiwar S/o Late Shri Guhri Ram Dhiwar, Aged About 50 Years Village Sikola Basti, Ward No. 16 Durg, Post And Tahsil Durg, District Durg (Chhattisgarh)., District : Durg, Chhattisgarh
---**Petitioner(s)**

**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan, New Mantralaya, Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. Principal Chief Conservator Of Forest, Head Quarter Jail Road Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Chief Conservator Of Forest Durg, Circle Durg, District Durg Chhattisgarh, District : Durg, Chhattisgarh
4. Divisional Forest Officer, Durg, Division Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh
5. Chairman Scrutiny Committee Durg, District Durg Chhattisgarh./ Divisional Forest Officer, Durg District Durg, District : Durg, Chhattisgarh
6. Under Secretary, State Of Chhattisgarh Department Of Forest Mantralaya Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

--- Respondent(s)

For Petitioner	:	Mr. F.S. Khare, Advocate
For State	:	Mr. Anil Pandey, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey**Judgment On Board****20.3.2026**

- 1) By way of these petitions, petitioners have sought following reliefs:-

10.1 That this Hon'ble Court may kindly be pleased to allow the writ petition and be pleased to quash the impugned order dated 5.12.2019 (P/1) and be pleased to direct the respondents to regularize the services of petitioner forthwith.

10.2 That, the Hon'ble Court may kindly be pleased to quash the impugned order dated 17.12.2019 (P/11) being without jurisdiction and illegal.



10.3 This Hon'ble court may kindly be call for the records for its kind perusal which relates to petitioner's matter.

10.4 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner.

- 2)** Facts of present cases are that petitioners were initially appointed as daily-rated employees under Forest Department on 1.4.1995 and their services were discontinued vide order dated 29.1.2000. Petitioners raised dispute before learned Labor Court and vide order dated 4.3.2015, a direction was issued to respondents to re-instate the petitioners in service. Thereafter, petitioners preferred WPS No. 1668 of 2019 and WPS No. 1673 of 2019 claiming therein regularization in service in light of circular dated 5.3.2008 issued by State Government and these petitions were disposed vide order dated 11.3.2019 directing respondent authorities to pass a fresh order within period of 90 days. Thereafter, claim of petitioners was considered by Divisional Forest Officer, Durg and rejected vide order dated 5.12.2019 observing that there was break in service and petitioners did not work continuously for period of 10 years.
- 3)** Learned counsel for the petitioners submits that findings recorded by Divisional Forest Officer, Durg are erroneous and contrary to the well settled principle of law. He further submits that petitioners were engaged in service by respondents on 1.4.1995 and order of re-instatement was passed by learned Labor Court in favor of



petitioners on 4.3.2015, thus litigating period would be counted as service period and in this regard he has placed reliance on the judgment rendered by Hon'ble Division Bench in the matter of ***Tukaram Versus State of Chhattisgarh and Others*** passed in **WPS No. 1703 of 2015**. He prays to quash the orders impugned.

- 4) On the other hand, learned State counsel submits that there was break in service, therefore claim of petitioners for regularization has been rightly rejected by the DFO, Durg. He further submits that petitioners were engaged in service in year 1995 and their services were discontinued in year 2000 and they were re-instated in the year 2015, thus they were not in continuous service for more than ten years. He contends that according to circular dated 5.3.2008, petitioners are not entitled for regularization.
- 5) I have heard learned counsel for the parties and perused the material available on record with utmost circumspection.
- 6) In the matter of **Tukaram** (supra), the core issue involved was as to whether the period during which the workman was out of employment by virtue of an illegal termination order would also have to be counted for the purpose of calculating the total length of service. Hon'ble Division Bench answered this question in para-26 and held that workers would fall in the category of litigious workers and that they would be entitled for continuity of service for period they were out of employment while they were



litigating before the Labor Court.

- 7) It is not in dispute that petitioners were appointed as daily-rated employees in the year 1995 and their services were discontinued in the year 2000. Thereafter, they raised dispute before learned Labor Court and order of re-instatement was passed in their favor on 4.3.2015, thus in light of **Tukaram** (supra), it can be safely presumed that petitioners were in continuous service for more than twenty years and the findings recorded by DFO, Durg in the orders dated 5.12.2019 are erroneous.
- 8) In view of the discussion made herein-above, the orders dated 5.12.2019 are hereby quashed and matter is remitted back to DFO, Durg to re-consider the claim of petitioners for regularization. Since the petitioners are claiming regularization since year 2008, the authority concerned is directed to take the decision expeditiously, preferably within period of 150 days from the date of receipt of copy of this order.
- 9) Accordingly, these petitions stand **allowed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE