



2026:CGHC:3752-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 50 of 2026

1 - The State of Chhattisgarh Through The Secretary, Department of Forest, New Mantralaya, Mahanadi Bhawan, Hasaud, Naya Raipur, District Raipur, Chhattisgarh

2 - The Principal Chief Conservator Of Forest Head Quarter, Jail Road, Arenya Bhawan, Medical College Road, District Raipur, Chhattisgarh

3 - The Chief Conservator of Forest Durg Circle Durg, District Durg, Chhattisgarh

4 - The Conservator of Forest Durg Circle, Durg, District - Durg, Chhattisgarh

5 - The Divisional Forest Officer Khairagarh Forest Division, Khairagarh, District Rajnandgaon, Chhattisgarh

... Appellants

versus

Prakash Chandra Sahu S/o Shri Preetam Sahu Aged About 51 Years
R/o Village And Post Madiyan, Tahsil Dongargarh, District Rajnandgaon,
Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Appellants/State	: Mr. Shashank Thakur, Addl. Adv. General
For Respondent	: Mr. Bharat Rajput, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

22.01.2026

1. Heard Mr. Shashank Thakur, learned Additional Advocate General, appearing for the State/appellants as well as Mr. Bharat



Rajput, learned counsel, appearing for the respondent on I.A. No. 01/2026, which is an application for condonation of delay of 241 days in filing the instant appeal.

2. For the reasons mentioned in the application, the same is allowed. Delay in filing the appeal is hereby condoned. With the consent of learned counsel for the parties, the appeal is heard finally.
3. By way of present writ appeal under Section 2 of Sub-Section (1) of the Chhattisgarh High Court (Appeal to Division Bench Act, 2006, the State/appellants, who were respondents in the writ petition, have challenged the order dated 17.01.2025 passed by learned Single Judge in WPS No. 4118/2020 (***Prakash Chand Sahu Vs. State of Chhattisgarh & Others***), by which the writ petition filed by the writ petitioner/respondent herein has been allowed by the learned Single Judge.
4. It has been pointed out by learned counsel for the parties that in an identical matter, this Bench had dismissed ***WA No. 548 of 2025 (State of Chhattisgarh & Others Vs. Radhey Lal Gond)*** vide order dated 31.07.2025, observing as follows :

"8. Upon bare perusal of the impugned order and the finding recorded by the learned Single Judge while allowing the writ petition that when there is an order of competent Court for reinstating service of respondent, he was reinstated, it will have its effect that respondent continued in service since initial date of his engagement i.e. from the year 1996 unless otherwise specified. Further, State Government has issued Circular dated 05.03.2008



for regularization of service of daily wage employee / temporary employee and under Clause B, it is mentioned that regularization of an employee engaged in between 01.01.1989 to 31.12.1997 as daily wage / temporary employee. In the said Circular, under Clause 2 (VII) wherein it is specifically provided that regularization be made against sanctioned and vacant post and it further mentions that wherever in the Department it is required, supernumerary post be created. Clause 2 (VII) is extracted below for ready reference:

(viii) नियमितिकरण स्वीकृत एवं रिक्त पद पर ही किया जाएगा। इस हेतु जिन विभागों में आवश्यक हो वहां सांख्येतर पद निर्मित किये जायें। यदि पद ही कलेक्टर दर पर स्वीकृत हो तो स्वीकृत पदों (दैनिक वेतन पर) को नियमित वेतनमान में परिवर्तित (सुजित) करना होगा।"

9. While rejecting claim of respondent, Divisional Forest Officer vide order dated 26.11.2019 erred in rejecting claim of respondent observing that respondent was discontinued from service in the year 2000 and he has not continuously worked for a period of ten years and further that he has not worked against sanctioned and vacant post said observation / reason assigned for rejecting claim for regularization of respondent is contrary to the order passed by Labour Court wherein respondent has been reinstated which is having effect of reinstating in service from initial date of his appointment and further is in contravention of specific Clause under Circular dated 05.03.2008 as extracted above.

*10. Further the Division Bench of this Court while considering almost identical issue in case of **Tukaram** (supra) has observed that the effect of the termination order being set aside would mean that the workmen remained in continuous employment as if the order of discontinuance never existed. It was also observed that the litigious worker would be entitled for continuity of*



service for the period they were out of employment while they were litigation before the Labour Court.

11. For the reasons discussed hereinabove, we are of the considered view that the learned Single Judge has not committed any illegality, irregularity or jurisdictional error, warranting interference of this Court.

12. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby dismissed at the motion stage itself.”

They further submit that since the facts and issue involved in the present case is identical to that of WA No. 548 of 2025, this appeal may also be disposed of in the same terms.

5. Having considered the rival submissions made by learned counsel for the parties and having gone through the materials on record, it is evident that the facts and issue involved in this appeal is identical to WA No. 548 of 2025, this Court deems it appropriate not to take a view other than what has been taken in WA No. 548 of 2025 .
6. Accordingly, the present appeal is **dismissed** in terms of the order dated 31.07.2025 passed in ***WA No. 548 of 2025 (State of Chhattisgarh & Others Vs. Radhey Lal Gond)***.

**Sd/-
(Ravindra Kumar Agrawal)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**