

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.7069 OF 2010**

Dhan Singh Patel, aged about 56 years, S/o Shri Ugrasen Patel
Working As Project Administrator Integrated Tribal Development
Jashpur Distt. Jashpur (CG).

...Petitioner(s)

Versus

1. State of Chhattisgarh through the Secretary, Department of Scheduled Tribe/Scheduled Caste, Other Backward Class & Minority Welfare, DKS Bhawan, Raipur (CG).
3. The Principal Secretary Department of Schedules Tribe/scheduled Caste Development DKS Bhawan Raipur (CG).
4. The Commissioner Scheduled Caste and Scheduled Tribe Welfare Department premises Of Ravishankar Shukla University Raipur (CG).

... Respondent(s)

For Petitioner	:	Shri HS Patel, Advocate.
For Respondent-State	:	Shri DK Wankhede, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03.10.2018

1. The relief sought for by the petitioner in the present writ petition is for a direction to the respondents to consider counting of the past services of the petitioner rendered as Assistant Development Extension Officer (Gram Sahayak) for the period of 5 years, 6 months and 11 days for the purpose of counting the length of service for issuing pension and retiral dues.
2. Facts of the case is that, the petitioner was initially appointed on 12.12.1983 on the post of Assistant Development Extension Officer (Gram Sahayak). After having put in about 5 years of service, the petitioner applied for the post of Assistant Project Administrator, the selection process of which was conducted by the Public Service Commission. The petitioner had vide Annexure P/2 applied for

issuance of No objection Certificate (NOC), but before formal NOC in favour of the petitioner could be issued, considering the nature of urgency the petitioner had resigned from his post on 13.07.1988 and subsequently on his getting appointment on the post of Assistant Project Administrator on 25.08.1988 he gave his joining under the respondents.

3. The petitioner specifically has filed this petition seeking a prayer that the previous service rendered by him as Assistant Development Extension Officer for the period of 5 years, 6 months and 11 days be also counted as qualifying service for determining his pension and post retiral dues.
4. The counsel for the petitioner submits that the respondent No.3 has already made a recommendation in favour of the petitioner vide Annexure P/8 dated 18.08.2004. In addition, there is also recommendation made in this regard by the Additional Secretary of the Department vide their note sheet dated 22.06.2007, but till date no decision have been taken by the respondents. Moreover, the petitioner further referred to certain documents of the other department where similarly placed persons have been granted the benefit by counting their past service rendered under the State in a different department.
5. Reply of the State which has been filed does not show any specific reason as to why the said period cannot be counted as qualifying service though the State tried to defend the petition on the ground that since no formal NOC was issued by the department and

ultimately the petitioner had resigned from service, he would not be entitled for the benefit from the past service.

6. Be that as it may, since the petitioner has brought two orders where the past services rendered by similarly placed persons in different department have been taken into consideration for quantifying their pension and retiral dues and also taking note of the recommendations made by the respondent No.3 as also by the respondent-Additional Secretary of the Department, let an appropriate decision be taken by the respondent No.1 within a period of 90 days from the date of receipt of certified copy of this order after due verification of the entitlement of the petitioner and also considering the benefits which have been granted to the similarly placed persons, orders of whom have been brought on record today.
7. The petition accordingly stands allowed.

Sd/-
(P. Sam Koshy
Judge