

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3719 of 2018**

Roy Mathew S/o Shri T.C. Mathew, Aged About 57 Years Working As Assistant Grade - 2, Office Of Chief Engineer, Mahanadi Project, Irrigation Department, Raipur, District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. The Under Secretary, Government Of Chhattisgarh, Water Resources Department, Mantralaya, New Raipur
3. The Engineer-In-Chief, Water Resources Department, Raipur
4. The Chief Engineer, Water Resources Department, Mahanadi Project Raipur Chhattisgarh.
5. The Superintending Engineer, Water Resource Department, Raipur Chhattisgarh.
6. The Executive Engineer, Water Resources Department, Raipur Division, Raipur, District Raipur Chhattisgarh.
7. The Sub Divisional Officer, Water Resources Division, Raipur Chhattisgarh.
8. The Joint Director, Treasury, Accounts And Pension, Raipur, District Raipur Chhattisgarh.

----Respondents**AND****WPS No. 3728 of 2018**

Dayanand Mudliar S/o Late Shri Balkrishna Mudliar, Aged About 60 Years Working As Assistant Grade-2, Resident Of Quarter No. H-33, Irrigation Colony, Raipur, District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. The Under Secretary, Government Of Chhattisgarh, Water Resources Department, Mantralaya, New Raipur
3. The Engineer-In-Chief, Water Resources Department, Raipur
4. The Chief Engineer, Water Resources Department, Mahanadi Project Raipur Chhattisgarh.
5. The Superintending Engineer, Water Resource Department, Raipur Chhattisgarh.
6. The Executive Engineer, Water Resources Department, Raipur Division, Raipur, District Raipur Chhattisgarh.
7. The Sub Divisional Officer, Water Resources Division, Raipur Chhattisgarh.

8. The Joint Director, Treasury, Accounts And Pension, Raipur, District Raipur Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Avinash Chand Sahu, Advocate
For State	:	Mr. Aushutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/05/2018

1. The grievance of the petitioners in both the writ petitions is that the services rendered by the petitioners as contingency paid employees before they were regularized in the department under the respondents, should also be counted as qualifying service for the purpose of pension.
2. The issue raised in the present writ petitions stands squarely covered by the decision of the Division Bench of this Court in the case of "**Lakhanram Sahu & others vs. State of Chhattisgarh & others**" WA No. 281/2013 and other analogous appeals, decided on 26.02.2015.
3. In addition, it is also relevant to take note of the fact that the Finance department of the State of Chhattisgarh vide a circular No.8/2018, dated 28.02.2018 have held that the period of the Daily wage employees, who have been regularized subsequent to 01.11.2004, their past services as daily wage employee would also be treated as pensionable service.
4. In view of the aforesaid factual matrix of the case, this Court is of the opinion that ends of justice would meet if these writ petitions itself are disposed off with a direction to the respondent No.4 to take all necessary steps to ensure that the services rendered by the

petitioners as daily wage employees and if the petitioners have been as a daily wage employees itself regularized in the department, then their period rendered as daily wage employees may also be treated as pensionable service.

5. Accordingly, both the writ petitions stand allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved