

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 4655 OF 2018**

Somaru S/o Potu, aged about 64 years, Caste Kalar, R/o Village & Post Golawan, Tahsil & District Kanker (CG).

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Executive Engineer, Public Works Department (Bha/sa), Division Kondagaon, District Kondagaon Chhattisgarh.
3. Joint Director, Treasury, Accounts and Pension Department, Jagdalpur, District Bastar Chhattisgarh.
4. Sub Divisional Officer, Public Works Department Sub Division No. 1 Kondagaon, District Kondagaon Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Amit Kumar Sahu, Advocate.
For Respondent-State	:	Shri Shashank Thakur, Govt. Advocate.

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

19.07.2018

1. The grievance of the petitioner in this petition is that his past service rendered as daily wage employee prior to regularization of service be counted for the purpose of grant of pension and pensionary benefits.
2. Though the petitioner has relied upon the judgment of Division Bench of this court in case Lakhanram Sahu and Ors. Vs. State of Chhattisgarh & Ors. (Writ Appeal No.281 of 2013), this court is of the opinion that the said judgment may not be applicable in the present case for the reason that the present petitioner was not engaged with the respondents under Work Charged Contingency Paid Employee Rules. In the instant case the petitioner was substantially appointed

as daily wage employee in the year, 1979 as permanent Gangman and in due course of time the services of the petitioner was regularized on 21.08.2008 in pursuance to the circular of the State Government dated 05.03.2008. The petitioner superannuated from service w.e.f. 31.01.2018 as such he has rendered almost about 10 years of regular service. The petitioner wants his past service to be counted for the purpose of pension and pensionary benefits.

3. It has been informed that there are certain instructions issued from the Finance Department of the State of Chhattisgarh wherein the services rendered by daily wage employees prior to their regularization would also be taken into account for the purpose of grant of pension and pensionary benefits.
4. Be that as it may, this court does not want to keep this petition pending any further as the petitioner otherwise is a senior citizen. Let the respondent Nos.1&2 process the case of the petitioner as to whether his past service rendered as daily wage employee can be treated as qualifying service for the purpose of grant of pension and pensionary benefits or not.
5. It is directed that the respondent Nos.1&2 should also get suitable instructions in this regard from the Finance Department of the State of Chhattisgarh and pass an appropriate order so far as the petitioner's case is concerned within an outer limit of 90 days.
6. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge