

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5180 OF 2018**

1. Anil Kumar Pathak S/o Late T.R. Pathak Aged About 62 Years R/o 19 Anand Nagar, Raipur Raipur District Raipur Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Water Resources Mantralaya Mahanadi Bhawan New Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Engineer- In Chief Water Resource Department Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Chief Engineer, Water Resource Department Mahanadi Project, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
4. Superintending Engineer Water Resouce Department Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
5. Executive Engineer Water Resource Department Water Management Division No.1 Raipur District Raipur Chhattisgarh
6. Joint Director Treasury Accounts And Pension Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

... Respondent(s)

For Petitioner	:	Shri Chandresh Shrivastava, Advocate.
For Respondent-State	:	Shri Mazid Ali, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13.08.2018**

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, 1981 as permanent daily wager and in due course of time the services of the petitioner was regularized on 18.04.1996 in pursuance to the circular of the State Government dated 05.03.2008. The petitioner superannuated from service w.e.f. 30.04.2018 as such he has rendered almost about 12 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