

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3319 of 2016

Naindas Ratre S/o Shri Sakharam Ratre, Aged About 72 Years Retired Peon In The Office Of Nagar Palika Parisad Dhamtari R/o Ramsagar Para, Post And Tahsil Dhamtari District Dhamtari Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, New Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Under Secretary, Government Of Chhattisgarh Urban Administration And Development, Mahanadi Bhawan, New Mantralaya, Naya Raipur District Raipur Chhattisgarh
3. The Commissioner, Nagar Palik Nigam Dhamtari, District Dhamtari Chhattisgarh
4. The Collector Dhamtari District Dhamtari Chhattisgarh
5. Smt. Rashida Bee, W/o Late Shri Amrul Khan, Aged About 70 Years R/o Azad Chowk, Koshtapara, Near Kothori Talab, Dhamtari District Dhamtari Chhattisgarh

---Respondents

For Petitioner	:	Mr. R.S. Patel, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/12/2018

1. The claim of the petitioner in the present writ petition is for quashment of the orders dated 05.07.2016, 13.04.2016 and 30.03.2016, whereby the claim for pension by the petitioner has been refused. The refusal has been on the ground that the petitioner does not have the qualifying service required for entitlement of the pension.
2. The counsel for the petitioner submits that the petitioner in the instant case had a regular employment of 9 years, 1 month and 28 days. He further submits that prior to the services of the petitioner being

regularized, he had put in about more than 10 years as a daily wage employee. He submits that for the purpose of counting the length of service, the period spent as daily wage employee should also be reckoned for the purpose of determining the pensionary benefits.

3. The counsel for the petitioner submits that the Department of Finance, Government of Chhattisgarh has of late issued a couple of circulars in this regard.
4. Given the said facts and circumstances of the case, this Court is of the opinion that no fruitful purpose would be served in keeping the writ petition pending, rather ends of justice would serve if the respondent No.3 is directed to take a fresh decision on the claim of the petitioner without being in any manner influenced by the earlier decisions rendered on 05.07.2016, 13.04.2016 & 30.03.2016.
5. It is made clear that the respondent no.3 shall consider and decide the claim of the petitioner in the light of the recent circulars of the Ministry of Finance dated 26.05.2018 & 23.08.2018 and any other instructions, if any, in this regard. In addition, the petitioner is also at liberty to file a detailed representation in this regard to the respondent no.3 within a period of 3 weeks from today supported with all relevant records and documents ventilating his grievances.
6. The respondent No.3 shall in turn decide the representation so made by the petitioner and his claim, within a further period of 3 months from the date of receipt of the representation by the petitioner.

Sd/-
(P. Sam Koshy)
Judge