

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7539 of 2018

Rekhram Sonber S/o Late Shri Vishal Ram, Aged About 62 Years,
Retired Sthal Sahayak, Office Of Sub Divisional Officer, Jal Prabhand
Sub- Division No.8, Gurur District Balod, R/o Village And Post Sanod,
Tahsil Gurur, District Balod, Chhattisgarh.

---Petitioner

Versus

1. State Govt. Of Chhattisgarh, Through The Secretary, Irrigation Department Ministry, Mahanadi Bhawan, Capital Complex, Atal Road, Police Station Rakhi, New Raipur, Chhattisgarh.
2. Executive Engineer, Water Management Division, Rudri Code No.38, District Dhamtari, Chhattisgarh.
3. Sub Divisional Officer, Jal Prabhand, Sub- Division No.8, Gurur District Balod, Chhattisgarh.

---Respondents

For petitioner	:	Shri Ajay Shrivastava, Advocate.
For State	:	Shri S.P.Kale, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/11/2018

1. The grievance of the petitioner in the instant Writ Petition is that, though the petitioner has retired as a Field Assistant on 31/07/2016, but till date the petitioner has not been paid any of his retiral dues including pensionary benefits.
2. The counsel for the petitioner submits that, the petitioner was initially engaged as a Daily Wage Employee but was subsequently regularized under the respondents and superannuated on 31/07/2016. He further submits that, the past service rendered by the petitioner as a Daily Wage Employee prior

to his regularization should also be taken into account for the purpose of quantifying the length of service for finalizing the pension and pensionary benefits including the gratuity and other retiral dues.

3. Given the nature of dispute raised by the petitioner, let the petitioner make a detailed representation to the respondent No.2 making reference to the circulars of the State Government, Department of Finance dated 26/05/2018 and 23/08/2018 whereby the State Government has accepted to take the past service rendered as a Daily Wage Employee for the purpose of calculating the total length of service and for determining the pension and pensionary benefits including gratuity.

4. On receipt of such representation, the respondents No. 1 & 2 shall take an appropriate decision at the earliest preferably within a period of 90 days from the date of receipt of representation of the petitioner.

5. It is expected that, while deciding the claim of the petitioner, the respondent No.1 shall keep in mind the circulars of the State Government passed in this regard.

6. Needless to mention that, the consideration of the petitioner's claim would also be subject to verification of other eligibility criteria of the petitioner.

7. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE