

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 8311 of 2018**

Mahar Singh Yadav S/o Preet Ram Aged About 62 Years (Retired Peon)
R/o Village Pangri, Block Ambagarh Chowki, District Rajnandgaon
Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, School Education Department ,Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Divisional Joint Director Treasury Account And Pension Durg, Division Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh
3. District Education Officer Rajnandgaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
4. Block Education Officer Block Ambagarh Chowki, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- **Respondents**

For petitioner	:	Shri V. K. Sharma, Advocate.
For State	:	Shri R. N. Pusty, GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/12/2018

1. The grievance in the present case is that his services rendered under the respondents is not pensionable and he does not have requisite quantification enabling him for pension. The facts undisputedly so far as the petitioner is concerned, the petitioner retired from service on 31/5/2018, his initial appointment was as a daily wage employee in the year. Working as daily wage employee, petitioner got regularized on 8/9/2008 and he continued as regular employee till his retirement on 31/5/2018.
2. According to the petitioner his earlier service that he had rendered as daily wage employee should also been taken into consideration for quantifying length of service of the petitioner for the purpose of grant of pensionary benefits. According to the petitioner the State counsel already has taken a decision in this regard vide circular dated 26/5/2018. According to the petitioner the department did consider that but mis interpreting the provisions they have rejected the claim

of the petitioner vide order dated 25/9/2018(Annexure P-4). The petitioner has drawn attention to the circular of the State Government dated 26/5/2018 whereby it has been specifically held that State Government to take into account the services rendered by an employee as daily wage employee for purpose of grant of pensionary benefits in as much as the services rendered as a daily wage employee would be treated as qualifying services enabling the person who has been regularized but his services does not have the minimum regular years of service for the purpose of pension.

3. Given the fact that the aforesaid factual matrix, has not been disputed by the State Counsel, this Court is of the opinion that observations of the department vide (Annexure P-4) dated 25/9/2018 does not seem to be plausible conclusion which could be arrived at, rather is misinterpreting the directives given in the circular dated 26/5/2018. This Court therefore is of the opinion that let the respondent No. 3 reconsider the case of the petitioner for grant of pensionary benefits. Respondent No. 3 may also consult the higher authorities in the department i.e. the Department of Treasury, Account and Pension in this regard and take a decision at the earliest preferably within a period of three months.

4. With the aforesaid observations, the writ petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Rohit