

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 8277 of 2018**

Mubin Khan S/o Late Jabbar Khan, Aged About 66 Years, R/o Raja Talab, Raipur, Tahsil And District- Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mantralaya, New Raipur, District- Raipur, Chhattisgarh
2. The Executive Engineer, Electricity/Machinery, Light Machinery Nal Koop And Gate Division, Water Resources Division, Raipur, District- Raipur, Chhattisgarh
3. The Joint Director, Treasury, Accounts & Pension, Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Kapil Maini, Advocate
For State	:	Ms. Sunita Jain, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/12/2018**

The petitioner in the present writ petition has sought for a direction to the respondents to consider his services rendered as daily wage employee as pensionable service.

2. Perusal of the record would show that the petitioner was initially engaged as a daily wage employee in the year 1979. The services of the petitioner were subsequently regularized in the year 1988. The petitioner continued to work with the respondents as a regular employee till his date of superannuation in the year 2012. The aforesaid facts itself reveal that the

petitioner had more than 24 years of regular service rendered under the respondents.

3. State counsel fairly admits that the petitioner is being given the pensionary benefits for these 24 years of regular service that he has served.

4. Records of the petition would show that the petitioner had also filed a claim case for grant of gratuity before the Controlling Authority under the Payment of Gratuity Act and he has also got an order by the Controlling Authority granting gratuity from the date of his initial appointment i.e. in the year 1979.

5. So far as the pension is concerned, the Pension Rule is very clear that the pension would be counted for the regular service rendered by the employee with the department. In the instant case, the regular service rendered by the petitioner was from 1988 to 2012. The petitioner has sufficient qualifying service enabling him the pension and the pension also is being paid to the petitioner for the said period.

6. In view of the same, this Court does not find any substantial material made out by the petitioner calling for an interference or for an order in the nature of mandamus directing the respondents to count the services rendered as a daily wage employee to be treated for pensionable service.

7. The writ petition fails and is accordingly dismissed.

**Sd/-
(P. Sam Koshy)
Judge**