

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No 8302 of 2018**

Bihari Lal Jaiswal S/o Shri Nakchhed Aged About 68 Years R/o Chakarbhata, Tehsil Mungeli, Police Station- Mungeli, District Mungeli Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mantralaya, Naya Raipur, Raipur Chhattisgarh.
2. Director Treasury Raipur Chhattisgarh.

----Respondents

For Petitioner	:	Mr. K.P.S. Gandhi, Advocate
For State	:	Mr. Chandresh Shrivastava, P.L.

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

1. The prayer made by the petitioner through the present writ petition is for a direction to the respondents to consider the service rendered by the petitioner as a daily wage employee for the purpose of quantifying pensionable service.
2. The facts of the case is that the petitioner was initially appointed on 01.01.1978 and he continued to serve the department till his retirement on 31.10.2009. In between the services of the petitioner was regularized vide order dated 27.12.2005. On the date of retirement, the petitioner had only about 4 years of regular employment. Thus, the respondents have not granted the pensionary benefits to the petitioner on the ground that he does not have the minimum qualifying service required for pension.
3. The counsel for the petitioner referring to the circular of the State Government dated 26.05.2018 submits that the State Government has

taken a policy decision for considering the period rendered as daily wage worker for the purpose of determining the qualifying service for grant of pension of those daily wage workers, who were regularized later on.

4. Given the facts and circumstances of the case, considering the request made by the petitioner, let the respondent No.1 take a decision on the claim of the petitioner for treating the service rendered as a daily wage employee as qualifying service for pension.
5. Let a decision in this regard be taken within a period of 90 days from the date of receipt of the copy of this order.
6. Let the petitioner bring to the notice of the respondent No.1, so far as the order passed by this Court is concerned.
7. It is expected that the respondent No.1, while deciding the case of the petitioner, shall keep in mind the circulars of the State Government, particularly the circular dated 26.05.2018 and any further circulars, if any.
8. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved