

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 850 of 2019

Shyam Ji Mishra S/o Shri Tej Narayan Mishra, aged about 55 years, Presently working as Sub Engineer, in the office of Sub Division (B & R), Kasdol under Executive Engineer, PWD (B & R), Balodabazaar Division, R/o Nearby Maruti Residency, Amalidihi (Rajendra Nagar), Raipur, District Raipur (C.G.).

---Petitioner

**Versus**

1. State Of Chhattisgarh, Through The Secretary, Public Works Department, Mantralaya, Atal Nagar, Naya Raipur, District Raipur (C.G.).
2. Engineer-in-Chief, Public Works Department, Nirman Bhawan, Raipur, District Raipur (C.G.).
3. Chief Engineer (B & R), Public Works Department, Raipur, District Raipur (C.G.).
4. Executive Engineer, P.W.D. (B & R) Balodabazar Division, District Baloda Bazar-Bhatapara (C.G.).
5. Sub Divisional Officer (P.W.D.), Sub Division (B & R), Kasdol, District Baloda Bazar – Bhatapara (C.G.).

---Respondents

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| For petitioner | : | Shri Yogeshwar Sharma, Advocate. |
| For State      | : | Shri Sameer Behar, Panel Lawyer. |

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Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/02/2019

1. The relief sought for by the petitioner through the instant Writ Petition is that, the respondents should treat the petitioner to have worked up till the age of 62 as the age of superannuation in the College Code, 28 was stood amended from 60 to 62.
2. With the consent of the parties, the matter is taken up for hearing finally.

3. Learned counsel appearing for the petitioner submits that the petitioner was initially appointed as Sub Engineer on daily wage basis on 01.02.1988 against the vacant post. The services of the petitioner were continued with artificial break of two or three days in service and worked continuously till the date of his regularization. The petitioner was given the benefits of annual increments.

4. The similarly situated employees have approached the State Administrative Tribunal (for short ("SAT")) in Original Application No. 1979/91 (Satish Kumar Mandloi Vs. State of M.P. And another) praying for similar relief as sought for in this petition. Learned counsel appearing for the petitioner submits that this case may also be disposed off in the same terms and conditions.

5. Learned counsel for the State in the light of the order of the SAT as aforesaid, submits that after verifying the facts of the case, petitioner's case shall be considered.

6. In view of the foregoing and categorical statement made by the learned counsel appearing for the State, this petition is allowed in the same terms i.e. if the Committee finds the petitioner suitable for the post in all respect, he shall be regularized on the post held by him and shall also pay him salary on regular scale. He shall be entitled to salary for the dates on break in service. His seniority shall be counted from the date of his initial appointment.

7. No costs.

Sd/-  
(P. Sam Koshy)  
JUDGE