

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1189 of 2019

Vijay Kumar Rajput S/o Late Shri Shiv Kapoor Singh Rajput Aged About 63 Years Retired Assistant Grade III, R/o Brahman Para, Near Kali Mandir Gandhi Chowk, Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Water Resources Department, Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. Director Treasury, Accounts And Audit Department Raipur Chhattisgarh
3. Executive Engineer C.G. Water Resources Department Rajnandgaon District Rajnandgaon Chhattisgarh

---Respondents

For Petitioner	:	Mr. Anup Majumdar, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21/02/2019

1. The relief sought for by the petitioner is for considering his case for grant of pension, gratuity and arrears thereof.
2. The contention of the petitioner is that, the petitioner worked under the respondents as Office Assistant since July, 1980 and retired from service on 30.09.2018. The petitioner was absorbed under the respondents only in the year 1990, but the services rendered prior to 1990 has not been reckoned for the purpose of grant of pension and gratuity.
3. The counsel for the petitioner submits that the petitioner is entitled for the length of service for the period between 1980 to 1990 be also reckoned as qualifying service for the purpose of fixation of pension

and gratuity. The petitioner refers to judgment of this court in case of **“Lakhan Lal Vs. State of Chhattisgarh & Ors.”** for the purpose of grant of pensionary benefits by adding the service rendered as daily wage employee as qualifying service. Likewise, so far as grant of gratuity is concerned, the petitioner relies upon the decision of Supreme Court in case of **“Net Ram Sahu Vs. State of Chhattisgarh & Ors.”, 2018 (5) SCC 430** and circulars issued by the State Govt. after the decision of the Supreme Court in the aforementioned two judgments.

4. Given the aforesaid facts and circumstances of the case, let the respondents No.2 & 3 take appropriate decision in respect of the claim of the petitioner and pass a suitable order preferably within a period of 90 days from the date of receipt of certified copy of this order.
5. The petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge