

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1080 OF 2019**

Dwibhashi Ramprasad S/o Late Shri Ramam Rao Aged About 65 Years
Retired Assistant Grade Iii, R/o Mamta Nagar, Lane No.5, Rajnandgaon
Chhattisgarh.

...Petitioner(s)

Versus

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

... Respondent(s)

For Petitioner	:	Shri Basant Dewangan, Advocate.
For Respondent-State	:	Shri Sameer Behar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.02.2019

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 Assistant Grade III since November, 1981 and retired from service on 31.07.2016. 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 1981 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 of.

Sd/-
(P. Sam Koshy)
Judge