

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 2571 OF 2019**

Smt. Champa Bai Sahu Wd/o Late Deendayal Sahu Aged About 47 Years
R/o Marri Bangla Devri, Tahsil Doundilohara, District Balod Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Engineer In Chief Mahanadi Godawari Kachhar, Water Resources Department Raipur, District Raipur Chhattisgarh.
3. Executive Engineer Vidyut/ Yantriki Light Machinery Nalkup And Gate Division, Water Resources Department Durg, District Durg Chhattisgarh.
4. Sub Divisional Officer E/m.L.M. Tubewell And Gate, Sub Division Balod, District Balod Chhattisgarh.
5. Joint Director Treasury Pension And Accounts Department, Durg District Durg Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Amit Kumar Sahu, Advocate.
For Respondent-State	:	Shri Sameer Behar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.04.2019

1. The grievance of the petitioner in this petition is that past service rendered as daily wage employee by the Husband of the petitioner prior to regularization of service be counted for the purpose of grant of pension and pensionary benefits.
2. Though the petitioner has relied upon the judgment of Division Bench of this court in case Lakhanram Sahu and Ors. Vs. State of Chhattisgarh & Ors. (Writ Appeal No.281 of 2013), this court is of the opinion that the said judgment may not be applicable in the present case for the reason that the Husband of present petitioner was not engaged with the respondents under Work Charged Contingency Paid Employee Rules. In the instant case the Husband of the

petitioner was substantially appointed as daily wage employee in the year, 1986 as Pump Operator and in due course of time the services of the Husband of the petitioner was regularized on 03.07.2008 in pursuance to the circular of the State Government dated 05.03.2008. The employee died on 17.10.2011 as such he has rendered more than 3 and ½ years of regular service. The employee wants his past service to be counted for the purpose of pension and pensionary benefits.

3. It has been informed that there are certain instructions issued from the Finance Department of the State of Chhattisgarh wherein the services rendered by daily wage employees prior to their regularization would also be taken into account for the purpose of grant of pension and pensionary benefits.
4. Be that as it may, this court does not want to keep this petition pending any further as the employee has since expired. Let the respondent Nos.1&2 process the case of the Husband of the petitioner as to whether his past service rendered as daily wage employee can be treated as qualifying service for the purpose of grant of pension and pensionary benefits or not.
5. It is directed that the respondent Nos.1&2 should also get suitable instructions in this regard from the Finance Department of the State of Chhattisgarh and pass an appropriate order so far as the petitioner's case is concerned within an outer limit of 90 days.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge