

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 3311 OF 2019**

D. Kumar Servai S/o Shri S. Devdas Aged About 63 Years R/o Near Church Of God. Dr. Singhal's Street Dak Bungalow Ward Dhamtari, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Water, Resources Department, Mantralaya, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Under Secretary Government Of Chhattisgarh, Water Resource Department, Mantralaya, New Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. The Engineer In Chief Water Resources Department, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. The Chief Engineer Water Resources Department, Mahanadi Project, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
5. The Superintendent Engineer M.R.P. Dam Circle, Rudri District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
6. The Executive Engineer M.R.P. Dam Division No. 2, Rudri, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
7. The Joint Director Treasury, Accounts And Pension, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

... **Respondent(s)**

For Petitioner	:	Shri Avinash Chand Sahu, Advocate.
For Respondent-State	:	Shri P. Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03.05.2019

1. The claim of the petitioner in this petition is for a direction to the respondents to count the service rendered by the petitioner as a daily wage employee for the purpose of counting the total length of service for pension and pensionary benefits.

2. Learned counsel for the petitioner submits that the issue involved in this case is covered by the judgment of Division Bench of this court in the case of Lakhan Ram Sahu & Ors. Vs. State of Chhattisgarh & Ors. In Writ Appeal No.281 of 2013, decided on 26.02.2015. In addition, the counsel for the petitioner submits that the State Govt. also has meanwhile issued certain circulars on 28.02.2018 and again on 26.05.2018 wherein they have taken a decision that the services rendered as daily wage employee should also be counted for the purpose of counting total length of service for pension and pensionary benefits.
3. The petitioner further submits that in a similar matter for the same department, an employee namely Dayanand Mudliyar had filed a writ petition before this court vide WPS No.3728 of 2018 and this court had allowed the writ petition on 17.05.2018. That subsequently, the State Govt. has taken a decision for granting the benefit to Dayanand Mudliyar and therefore prays for similar relief to the present petitioner also.
4. Given the nature of dispute that the petitioner has raised, the counsel for the State opposes the petition only to the extent of verification of the facts whether the petitioner is similarly placed as the petitioners in case of Lakhan Ram Sahu (Supra) and also whether the petitioner would be entitled for the benefits in terms of the circular of the State Govt. dated 28.02.2018 and 26.05.2018 and also whether his case is similar to the case of Dayanand Mudliyar (Supra).

5. In view of the aforesaid submissions put forth on either side, the present writ petition at this juncture stands disposed of directing the respondents No.3 to 6 to take a decision in case of the petitioner in terms of the circular of the State Govt. dated 28.02.2018 and 26.05.2018. While deciding the claim of the petitioner, the respondents No.3 to 6 would also examine whether similar benefits have been extended to the similarly placed persons in the department in the past or not.
6. Let this exercise be concluded within a period of four months from the date of receipt of copy of this order.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge