

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.3122 OF 2019**

B. R. Gahawai S/o Late Mohan Lal Aged About 60 Years Working As Hand Pump Technician, office Of Assistant Engineer, Public Health Engineering Department, Sub Division Katghora, District Korba Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through Its Secretary, Public Health Engineering Department, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh.
2. Engineer In Chief Public Health, Engineering, Department, Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh.
3. Superintendent Engineer Public Health Engineering Department, Bilaspur, Circle, District Bilaspur Chhattisgarh.
4. Executive Engineer Public Health Engineering Department, Block Office Korba, District Korba Chhattisgarh.
5. Assistant Engineer Public Health Engineering Department, Sub Division Katghora, District Korba Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Ritesh Giri, Advocate.
For Respondent-State	:	Shri Ishan Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29.04.2019

1. The claim of the petitioner in this petition is that the petitioner was engaged as daily wage worker way back on 26.04.1984 and continued to work till 28.04.1992 when his services was regularized by the department on the post of Hand Pump Technician. According to the petitioner, he is still discharging the duties of Hand Pump Technician under the respondents. He further submits that the respondent authorities may take into consideration the service rendered by the petitioner as daily wage worker for counting pensionable service of the petitioner. It is the further contention that the State Govt. itself recently have issued certain circulars whereby it has been decided by the State to consider the service rendered

by an employee as daily wage worker also for the purpose of counting pensionable service.

2. The petitioner also relied upon the recent decision of the Supreme Court in case of Net Ram Sahu Vs. State of Chhattisgarh & Ors., Civil Appeal No.1254 of 2018, decided on 23.03.2018.
3. On a query being put to the counsel for the State, he submits that so far as claim of the petitioner is concerned, it is yet to be finalized. Further, the pension is also yet to be finalized as the petitioner is still in service.
4. Given the said facts, let the respondents No.2&3 take a decision whether the services rendered by the petitioner as daily wage worker has to be counted for the purpose of pensionable service or not in the light of the circulars of the State Govt. recently passed in this regard.
5. Let an appropriate decision be taken at the earliest by the respondents No.2&3 preferably within a period of four months from today. It is also directed that while taking a decision, the respondents shall also take note of the order passed by the Supreme Court in case of Net Ram Sahu (Supra).
6. Accordingly, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge