

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 3214 OF 2019**

Bhupendra Kumar Tiwari S/o Late Nand Kishore Tiwari Aged About 63 Years R/o C/o R.P. Sharma, 39-Recreation Road, Choubey Colony, Raipur, District- Raipur, Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mantralaya, New Raipur, District- Raipur, Chhattisgarh.
2. The Under Secretary Government Of Chhattisgarh, Water Resources Department, Mantralaya, New Raipur, District- Raipur, Chhattisgarh.
3. The Engineer-In-Chief Water Resources Department, Raipur, District- Raipur, Chhattisgarh.
4. The Chief Engineer Water Resources Department, Sihawa, Bhawan, Raipur, Chhattisgarh.
5. The Superintending Engineer Water Resource Department, Raipur, Chhattisgarh.
6. The Executive Engineer Water Resources Department, Raipur Division, Raipur, District- Raipur, Chhattisgarh.
7. The Sub-Divisional Officer Water Resources Division, Raipur, Chhattisgarh.
8. The Joint Director Treasury, Accounts And Pension, Raipur, District- Raipur, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Goutam Khetrapal, Advocate.
For Respondent-State	:	Shri P. Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01.05.2018

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 Vs. State of Chhattisgarh & Ors. 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 and subsequently, the State Govt. has taken a decision for granting the benefit to the said petitioner therein, 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

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCC No. 470 of 2019

Bhupendra Kumar Tiwari S/o Late Nand Kishore Tiwari Aged About 63 Years R/o C/o R.P. Sharma, 39-Recreation Road, Choubey Colony, Raipur, District- Raipur, Chhattisgarh., District : Raipur, 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 Resources 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, Sihawa, Bhawan, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
5. The Superintending Engineer Water Resource Department, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
6. The Executive Engineer Water Resources Department, Raipur Division, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
7. The Sub-Divisional Officer Water Resources Division, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
8. The Joint Director Treasury, Accounts And Pension, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A.C. Sahu, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/05/2019

1. The present MCC has been filed seeking modification of the order passed by this Court on 01.05.2019 in WPS No. 3214/2019.

2. The modification sought is to the extent that while disposing of the said writ petition inadvertently the date of disposal has been reflected as “**01.05.2018**” instead of “**01.05.2019**”.
3. The said modification sought for is not opposed by the State counsel.
4. Accordingly, the order passed in WPS No. 3214/2019 stands modified to the extent that the date of disposal shall be read as “**01.05.2019**” instead of “**01.05.2018**”.
5. With the aforesaid modification, the present MCC stands allowed.
6. Let a copy of this order be made part of the record of WPS No. 3214/2019.

Sd/-
(P. Sam Koshy)
Judge

Ved