

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4913 of 2019

Anusuiya Bai W/o Late Babla Yadav Aged About 63 Years R/o Ward No. 05, Aamdarpara, Dondi District Balod Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Executive Engineer Public Works Department (Bha/sa), Division Balod, District Balod Chhattisgarh.
3. Joint Director Treasury, Accounts And Pension Department, Durg, District Durg Chhattisgarh.
4. Sub Divisional Officer Public Works Department Sub Division No. 2 Balod, District Balod Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Amit Kumar Sahu, Advocate
For State	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/07/2019

1. The grievance of the petitioner in this petition is that his past service rendered as daily wage employee 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 present petitioner was not engaged with the respondents under Work Charged Contingency Paid Employee Rules. In the instant case the petitioner was substantially appointed as daily wage employee in the

year, 1989 as permanent Gangman and in due course of time the services of the petitioner was regularized on 21.08.2008 in pursuance to the circular of the State Government dated 05.03.2008. The petitioner superannuated from service w.e.f. 31.03.2019. The petitioner wants his past service to be counted for the purpose of pension and pensionary benefits.

3. According to the petitioner, she has discharged the duties of a regular employee for about 11 years and she has also worked for a period of 19 years as a daily wage employee. According to the petitioner, she would be entitled for being taken the past services rendered as a daily wage employee also into account.
4. 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.
5. Be that as it may, this court does not want to keep this petition pending any further as the petitioner otherwise is a senior citizen. Let the respondent Nos.1&2 process the case 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.
6. 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.

7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved