

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5176 of 2019

1. Smt. Gayatri Thakur W/o Late Indra Kumar Thakur Aged About 60 Years Working As Assistant Grade-Ii, Office Of Chief Engineer Mahanadi Project, Irrigation Department 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., District : Raipur, Chhattisgarh
4. The Chief Engineer Water Resources Department Mahanadi Project, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
5. The Superintending Engineer Water Resources Department Raipur, District- 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 Department, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
8. The Joint Director Treasury, Account Pension, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---Respondents

For Petitioner	:	Shri Amit Kumar Sharma, Advocate.
For State	:	Shri Sameer Behar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.07.2019

1. The grievance of the petitioner in this petition is that the services rendered by the petitioner as contingency paid employees before regularization in the department under the respondents should also be counted as qualifying service for the purpose of pension.
2. The issue raised in the present writ petition stands squarely covered by the decision of the Division Bench of this Court in the case of "Lakhanram Sahu & others vs. State of Chhattisgarh & others" WA No. 281/2013 and other analogous appeals, decided on 26.02.2015.

3. In addition, it is also relevant to take note of the fact that the Finance department of the State of Chhattisgarh vide a circular No.8/2018, dated 28.02.2018 have held that the period of the Daily wage employees, who have been regularized subsequent to 01.11.2004, their past services as daily wage employee would also be treated as pensionable service.
4. In view of the aforesaid factual matrix of the case, this Court is of the opinion that ends of justice would meet if this writ petition is disposed off with a direction to the respondent No.4 to take all necessary steps to ensure that the services rendered by the petitioner as daily wage employee and if the petitioner has been as a daily wage employees itself regularized in the department, then the period rendered as daily wage employees may also be treated as pensionable service.
5. Accordingly, the writ petition stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

inder