

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5245 of 2019

1. Ram Diyal Yadav S/o Late Shri Bedram Yadav Aged About 66 Years R/o Village, Post And Police Station Pachpedi, Tahsil Masturi, District Bilaspur Chhattisgarh.

---- Petitioner(s)

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Director Treasury Accounts And Pensions Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Shri KPS Gandhi, Advocate.
For State	:	Shri Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/07/2019

1. The prayer made by the petitioner through the present writ petition is for a direction to the respondents to consider the service rendered by the petitioner as a daily wage employee for the purpose of quantifying pensionable service.
2. The facts of the case is that the petitioner was initially appointed on 01.04.1978 and he continued to serve the department till his retirement on 31.03.2015. In between the services of the petitioner was regularized vide order dated 23.08.2008. On the date of retirement, the petitioner had only about 6 and ½ years of regular employment. Thus, the respondents have not granted the pensionary benefits counting the entire service of the petitioner rendered as a daily wage employee.
3. The counsel for the petitioner referring to the circular of the State Government dated 26.05.2018 submits that the State Government has taken a policy decision for considering the period rendered as daily wage worker for the purpose of determining the qualifying service for grant of pension of those daily wage workers, who were regularized later on.

4. Given the facts and circumstances of the case, considering the request made by the petitioner, let the respondent No.1 take a decision on the claim of the petitioner for treating the service rendered as a daily wage employee as qualifying service for pension.
5. Let a decision in this regard be taken within a period of 90 days from the date of receipt of the copy of this order.
6. Let the petitioner bring to the notice of the respondent No.1, so far as the order passed by this Court is concerned.
7. It is expected that the respondent No.1, while deciding the case of the petitioner, shall keep in mind the circulars of the State Government, particularly the circular dated 26.05.2018 and any further circulars, if any.
8. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

inder