

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5276 of 2019

1. Smt. Sabita Masand W/o J.K. Masand Aged About 62 Years Working As Assistant Grade - III, Office of Chief Engineer, Mahanadi Project, Irrigation Department Raipur, District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through 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, Mahanadi Project , Raipur Chhattisgarh.
5. The Superintending Engineer, Water Resources Department, Raipur Chhattisgarh.
6. The Executive Engineer, Water Resources Department, Raipur Division Raipur Raipur Chhattisgarh.
7. The Sub - Divisional Officer, Water Resources Division, Raipur Chhattisgarh.
8. The Joint Director, Treasury, Accounts and Pension, Raipur, District Raipur Chhattisgarh.

---Respondents

For Petitioners	:	Shri Ritesh Verma on behalf of Shri Amit Kumar Sharma, Advocate
For State	:	Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.07.2019.

1. The grievance of the petitioner in the present writ petition is that the services rendered by the petitioner as contingency paid employee before the petitioner was regularized 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 petitions 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 the writ petition itself 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 employee may also be treated as pensionable service.
5. Accordingly, the writ petition stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

inder