

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5285 of 2019**

Smt. Indra Nayak W/o Shri B. D. Gautam Aged About 62 Years Working As Assistant Grade-III, Office Of The Chief Engineer, Mahanandi 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 Governement 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, 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 Petitioner	: Mr. Amit Kumar Sharma, Advocate
For State	: Mr. Arvind Dubey, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22/07/2019**

1. The grievance of the Petitioner in the present writ petition is that the service rendered by the Petitioner as contingency paid employee before she 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 petition stands squarely covered by the decision of the Division Bench of this Court in the case of

“Lakhanram Sahu & other Vs. State of Chhattisgarh & others” WA No. 281 of 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 of 2018, dated 28.02.2018 have held that the period of the Daily wage employee, who has been regularized subsequent to 01.11.2004, her past service 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 itself is disposed off with a direction to the respondent No. 4 to take all necessary steps to ensure that the service rendered by the Petitioner as daily wage employee and if the Petitioner has been as a daily wage employee itself regularized in the department, then [her](#) 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**