

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 5527 of 2019**

Dharmin Bai Dehari Wd/o Late Lakhanlal Aged About 58 Years R/o Village Dhaura Bhatha Balod, District Balod Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhawan, Atal Nagar Naya Raipur, District Raipur Chhattisgarh.
2. Engineer - In - Chief, Water Resources Department, Mahanadi - Godawari Kachhar, Raipur Chhattisgarh.
3. Executive Engineer, Water Resources Division, Balod, Code No. 74, District Balod Chhattisgarh.
4. Joint Director (Pension Fund And Accounts Section) Durg District Durg Chhattisgarh.

**---Respondents**

|                |   |                                |
|----------------|---|--------------------------------|
| For Petitioner | : | Mr. Amit Kumar Sahu, Advocate  |
| For State      | : | Mr. Arvind Dubey, Panel Lawyer |

**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**30/07/2019**

1. The grievance of the petitioner is that the husband of the petitioner was appointed as a daily wage employee in the year 1981 and subsequently his services were regularized on 13.08.2008. He was rendering his services in the Water Resources Department. Subsequently, the husband of the petitioner retired on 31.01.2013.
2. The petitioner contended that the services rendered by the husband of the petitioner as a daily wager prior to the regularization of service were not counted for the purpose of grant of pensionary benefits and submits this issue is covered by the ratio and observations made in WPS No. 2571/2019 decided on 08.04.2019 and prays for similar order.

3. This Court in the said writ petition has passed the following order, which reads as under:

**“3. 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.**

**4. Be that as it may, this court does not want to keep this petition pending any further as the employee has since expired. Let the respondent Nos.1&2 process the case of the Husband 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.**

**5. 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.”**

4. The State counsel do not dispute the facts. In the likewise nature of the petition, the order can be passed.
5. It is ordered accordingly. The instructions issued in WPS No. 2571/2019 from paragraph Nos. 3 to 5 as quoted above shall also be applicable in the case of the petitioner and the respondents No.1 & 2 shall get the suitable instructions from the Finance Department of the State of Chhattisgarh and pass an appropriate order to be entitlement of the pensionary benefits to the petitioner within a period of 90 days from the date of submission of this order.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-  
**(Goutam Bhaduri)**  
Judge

Ved