

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7165 of 2019**

Smt. Pyari Bai W/o Late Shri Hari Ram Yadav Aged About 64 Years R/o Imblibhata Road, Bandhwapara, Sarkanda, Bilaspur, Police Station-Sarkanda, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Agriculture, Mantralaya, Mahanadi Bhawan, Atal Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Veterinary Services, Directorate, Indiravati Bhawan, Atal Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Director Department Of Treasury, Accounts And Pension, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. S.P. Kale, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board**

11/09/2019

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 01.02.1979 and he continued to serve the department till his retirement on 30.04.2017. In between the services of the petitioner was regularized vide order dated 14.09.2007. On the date of retirement, the petitioner had only about 9 years 6 months of regular employment. Thus, the respondents have not granted the pensionary benefits to the petitioner on the ground that he does not have the minimum qualifying service required for pension.

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. 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.
5. Let the petitioner bring to the notice of the respondent No.1, so far as the order passed by this Court is concerned.
6. 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.
7. So far as the claim for pension and other admissible retiral dues are concerned, the petitioner would be at liberty to approach the competent authority under the provisions of Payment of Gratuity Act, if the same is applicable upon the petitioner as a contingency paid employee, for ventilating her grievance.
8. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge