

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8420 of 2019**

- Surajbhan Sinha S/o Late Anjor Sinha Aged About 79 Years R/o Village Jamgaon, Tahsil And District Balod Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Urban Administration And Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur Chhattisgarh
2. Chief Executive Officer Janpad Panchayat Gurur, Tahsil Gurug District Balod Chhattisgarh
3. Joint Director Pension Funds And Accounts Department, Durg District Durg Chhattisgarh
4. District Treasury Officer Balod, District Balod Chhattisgarh

---- Respondents

For Petitioner : Shri Amit Kumar Sahu, Advocate

For Respondents/State : Shri Kunal Das, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****16/10/2019**

1. Heard.
2. The grievance of the petitioner is that he was appointed as a daily wager on the post of watchman and was regularized on 22.08.2008. It is stated that prior to regularization of the services of the petitioner, the period is not been counted for the purposes of pensionary benefits.
3. Learned counsel for the petitioner would submit that the issue is covered by the

ratio decided in WPS No.2571 of 2019 decided on 08.04.2019 and prays for the similar order.

4. State counsel do not oppose the same.

5. The order passed in WPS No.2571 of 2019 is reproduced hereunder:-

- “1. The grievance of the petitioner in this petition is that past service rendered as daily wage employee by the Husband of the petitioner prior to regularization of service be counted for the purpose of grant of pension and pensionary benefits.
2. Though the petitioner has relied upon the judgment of Division Bench of this court in case Lakhanram Sahu and Ors. Vs. State of Chhattisgarh & Ors. (Writ Appeal No.281 of 2013), this court is of the opinion that the said judgment may not be applicable in the present case for the reason that the Husband of present petitioner was not engaged with the respondents under Work Charged Contingency Paid Employee Rules. In the instant case the Husband of the petitioner was substantially appointed as daily wage employee in the year, 1986 as Pump Operator and in due course of time the services of the Husband of the petitioner was regularized on 03.07.2008 in pursuance to the circular of the State Government dated 05.03.2008. The employee died on 17.10.2011 as such he has rendered more than 3 and ½ years of regular service. The employee wants his past service to be counted for the purpose of pension and pensionary benefits.
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.
6. The writ petition accordingly stands disposed of.”

6. It is ordered accordingly. The ratio laid down in the case supra shall also govern the cause of lis in this case also and will have the same effect and operation.
7. With such observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu