

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9504 of 2019**

Sushri Sumti Soni, D/o. Late Shri Gendlal Soni, Aged About 62 Years, Working As Assistant Grade-III, Office Of Chief Engineer, Mahanadi Godavari Kachhar, 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, Mahanadi Godavari Kachhar, Raipur, District Raipur, Chhattisgarh.
4. The Chief Engineer, Water Resources Department, Mahanadi Godavari Kachhar, 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 Respondents/State : Mr. Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05.12.2019**

Heard.

1. Learned counsel for the petitioner would submit that the issue involved in the present writ petition has already been considered and decided by this Court in WPS No.5316 of 2019, therefore, the same order may be passed in the present writ petition also.

2. The coordinate Bench of this Court in WPS No.5316 of 2019 on 22.07.2019 has passed the following order:-

- “1. The grievance of the Petitioner in the present writ petition is that the service rendered by the Petitioner as contingency paid employee before he 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, his 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 his period rendered as daily wage employee may also be treated as pensionable service.
 5. Accordingly, the writ petition stands allowed and disposed off.
3. Learned State counsel do not dispute the same.
4. It is ordered accordingly. The ratio laid down in the case supra shall also govern the cause of lis in this case and will have the same effect and operation.
5. With such observation, the writ petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge

Aks