

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9368 of 2019**

- Smt. Shahida Qureshi S/o Late Shri Shamim Akhtar Qureshi Aged About 63 Years Nivasi- Ekta Chowk Ke Pas Nayapara Mahasamund, Thana Mahasamund, District : Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Sachiv, Chhattisgarh Shasan Jal Sansadhan Vibhag, Mantralaya Mahanadi Bhawan Naya Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Pramukh Abhiyanta Jal Sansadhan Vibhag Sihawa Bhawan, Raipur, Jila-Raipur, Chhattisgarh
3. Karyapalan Abhiyanta Jalsansadhan Sambhag Mahasamund, Jila Mahasamund, Chhattisgarh
4. Sanyukt Sanchalak Karyalay Sambhagiy Sanyukt Sanchalak, Kosh, Lekha Evam Penshan Raipur, Sambhag Raipur, Jila- Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rajendra Kumar Patel, Advocate
For Respondents/ State	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18/11/2019**

1. The grievance of the Petitioner in the present writ petition is that the husband of the petitioner was appointed on 01.07.1975 as daily wage employee and was regularized on 20.06.1990, thereafter, retired on 30.11.2010. Subsequently, he died on 21.12.2018. It is stated that the service rendered by the husband of the petitioner as contingency paid employee as he was regularized in the department as has not been considered as qualifying for pensionable service and other retiral benefits, therefore, the petitioner should be paid all the retiral benefits including the

aforesaid benefits.

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 that the petitioner is given a liberty to make a representation before the concerned respondents and if the representation is made to the concerned respondents within a period of three weeks, the respondents shall be obliged to consider the same within an outer limit of 90 days. While considering the same, the service rendered by the petitioner as a daily wagger employee, till his regularization in the department shall also be considered as pensionable service as already been held by this court in the matter of **Lakhanram Sahu and ors.** (supra).
5. Accordingly, the writ petition stands allowed and disposed off.

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