

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8356 of 2018

Dilip Kumar Jawalkar S/o Shri Bhaskar Rao Aged About 67 Years R/o Gali No. 4, Bangalipara, Sarkanda, Police Station - Sarkanda, District - Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through - Secretary, Water Resources Department, Mantralaya, Naya Raipur, Raipur Chhattisgarh.
2. Director Treasury Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Mr. S.P. Kale, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/05/2019

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 04.03.1978 and he continued to serve the department till his retirement on 31.01.2010. In between the services of the petitioner was regularized vide order dated 14.08.2008. On the date of retirement, the petitioner had only about 6 years of regular employment. Thus, the respondents have not granted the pensionary benefits counting the service of the petitioner rendered as a daily wage employee.
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.
5. 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.
6. Let the petitioner bring to the notice of the respondent No.1, so far as the order passed by this Court is concerned.
7. 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.
8. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge