CGHC010132912025 2026:CGHC:45083

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2378 of 2025

Paras Ram Aheer S/o Late Shri Pyare Lal Yadav Aged About 62 Years Retired Technical Assistant, Govt. Girls Polytechnic College, Byron Bazar, Raipur, District- Raipur (C.G.)

... Petitioner(s)

versus

1. State Of Chhattisgarh Through It's Secretary, Department Of Technical Education, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur, District- Raipur (C.G.)

JYOTI SHARMA
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2. Director Technical Education, Directorate, Indrawati Bhawan, Nawa Raipur, Atal Nagar, Raipur, District- Raipur (C.G.)

3. Divisional Joint Director Treasury, Account And Pension, Raipur Division, Raipur, District- Raipur (C.G.)

4. Principal Govt. Girls Polytechnic College, Byron Bazar, Raipur, District- Raipur (C.G.)

... Respondent(s)

(Cause title is taken from Case Information System)

For Petitioner	: Mr. Pawan Shrivastava, Advocate
For Respondents/ State	: Ms. Apurva Nigam, P.L.

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

26/10/2026

1. Learned counsel for the petitioner submits that the petitioner was initially appointed as a Lab Assistant on ad hoc basis vide order dated 26.04.1989, as amended on 01.05.1989, and his services were subsequently regularised on 24.01.1995. It is further submitted that, after rendering more than 35 years of service, the petitioner retired from the post of Technical Assistant on 30.09.2024. However, while processing his pension proposal,

respondent No. 3 raised an objection regarding the inclusion of the petitioner's ad hoc service period for the purpose of pensionary benefits. Consequently, respondent No. 4 directed the petitioner to give his consent for calculation of pensionary benefits from the date of regularisation, i.e., 24.01.1995, excluding his ad hoc service rendered from 01.05.1989. Learned counsel contends that the action of the respondents is arbitrary, illegal, and contrary to the rules and circulars issued by the State Government. Hence, the present writ petition.

2. Learned counsel for the State by filing its reply submits that, as per the instructions issued by the Finance Department on 26.08.1995, the period of ad hoc service can be counted for pensionary benefits only where the employee was appointed against a regular post and his services were subsequently regularised without any interruption or break in service. It is further submitted that, although the petitioner was initially appointed on an ad hoc basis with effect from 01.05.1989, there was a break in his service of 19 days. Therefore, his past service rendered on an ad hoc basis cannot be counted as qualifying service for computation of pensionary benefits. Learned counsel further submits that the petitioner has neither challenged the aforesaid instructions dated 26.08.1995 nor given his consent for calculation of pensionary benefits from the date of his regularisation. Consequently, the petitioner's pension case has not yet been finalised. Hence, the present writ petition is liable to be dismissed.

3. Learned counsel for the petitioner, by filing a rejoinder further, submits that, in terms of sub-para (iii) of Paragraph 2 of the

circular dated 05.03.2008 issued by the State Government, a break in service exceeding one month alone is to be treated as a break in service. It is contended that, as admitted by the respondents in their return, the total break in the petitioner's service was only 19 days during the period from 01.05.1989 to 30.04.1995, and therefore, the said period cannot be treated as a break in service for the purpose of computation of pensionary benefits. Learned counsel further submits that the petitioner's initial date of appointment, i.e., 01.05.1989, was duly recorded in his service book and accepted by the competent authority, and the respondents never raised any objection in this regard during his service. It is also contended that the short breaks during the ad hoc period were merely artificial or nominal in nature and that similarly situated employees have been granted pensionary benefits by counting their ad hoc service. Accordingly, learned counsel submits that, on the principle of parity and in terms of the aforesaid circular, the petitioner is entitled to computation of his qualifying service from the date of his initial appointment, i.e., 01.05.1989, for the grant of pensionary benefits.

4. I have heard learned counsel for the parties and perused the records.

5. For ready reference the relevant part of Circular dated 05.03.2008 is quoted below:-

> iii) संबंधित व्यक्ति ने दैनिक वेतन भोगी (चाहे कलेक्टर दर पर) के रूप में अथवा तदर्थ रूप में दिनांक 31-12-1997 तक लगातार उसी पद पर या समकक्ष पद पर कार्य किया हो के संबंध में लगातार कार्य करना

(सेवा देता) तब ही माना जायेगा यदि प्रत्येक वर्ष में कुल सेवा ब्रेक एक माह से अधिक की न हो। लगातार सेवा के लिये हड़ताल की अवधि सेवा में ब्रेक नहीं मानी जायेगी।"

6. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the controversy involved in the present writ petition pertains to the counting of the petitioner's ad hoc service for the purpose of computation of pensionary benefits. The petitioner was initially appointed on an ad hoc basis with effect from 01.05.1989 and his services were subsequently regularised on 24.01.1995. The respondents have objected to the inclusion of the petitioner's ad hoc service on the ground that there was a break in service of 19 days. However, a perusal of the circular dated 05.03.2008, particularly Sub-para (iii) of Paragraph 2 thereof, makes it clear that the continuity of service of an employee appointed on a daily-wage or ad hoc basis is to be recognised where the total break in service in a particular year does not exceed one month. In the present case, the break in service, as admitted by the respondents themselves, is only 19 days. Thus, the said break does not exceed the permissible limit prescribed under the aforesaid circular. Consequently, the respondents' objection to counting the petitioner's ad hoc service solely on the ground of the aforesaid break in service cannot be sustained. The petitioner's claim for counting his ad hoc service from 01.05.1989 for the purpose of pensionary benefits, therefore, deserves consideration in terms of the applicable rules and the aforesaid circular. The respondents cannot deny such benefit merely on the

ground of a break in service which falls within the permissible limit prescribed by the State Government.

7. Further very recently the Supreme Court in the case of **Punjab School Education Board and Another Vs. Satnam Singh and Ors.** in **Civil Appeal No. 6865 of 2022 (decided on 8.9.2026)** has held that the services by employees rendered on contract/ ad hoc/daily wage basis prior to regularization must be computed as qualifying service for the purpose of retiral and pension benefits. The breaks in service were either 'notional' or artificial/administrative breaks, or precipitated by Court orders. They must be ignored and the service should be treated as continuous.

8. In view of the aforesaid discussion, the writ petition is **allowed.** The respondents are directed to count the petitioner's ad hoc service with effect from 01.05.1989 for the purpose of computation of qualifying service and grant of pensionary benefits, subject to fulfilment of other applicable conditions under the relevant rules. The respondents shall undertake the necessary exercise and revise the petitioner's pensionary benefits accordingly within a period of three months from the date of receipt of a copy of this order. Any consequential arrears found payable shall also be released to the petitioner within the aforesaid period.

Sd/-
(BIBHU DATTA GURU)
JUDGE

Jyoti