

**(2018) 07 CHH CK 0243**

**Chhattisgarh High Court**

**Case No:** Writ Petition (S) No. 4661 Of 2018

Shadai

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

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**Date of Decision:** July 19, 2018

**Hon'ble Judges:** P. Sam Koshy, J

**Bench:** Single Bench

**Advocate:** Amit Kumar Sahu, Shashank Thakur

**Final Decision:** Disposed Of

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### **Judgement**

P. Sam Koshy, J

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, 1984 as permanent Gangman and in due course of time the

services of the Husband of the petitioner was regularized on 21.08.2008 in pursuance to the circular of the State Government dated 05.03.2008. The

employee superannuated from service w.e.f. 24.11.2016 as such he has rendered more than 8 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.