

(2025) 08 CHH CK 0333
In the Chhattisgarh High Court
Case No : WPS No. 1358 of 2019

Ramkumar Verma

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 29-08-2025

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2025) 08 CHH CK 0333

Hon'ble Judges : Naresh Kumar Chandravanshi, J

Bench : Single Bench

Advocate : Vinod Deshmukh, Amandeep Singh

Final Decision : Disposed Of

Judgement

Naresh Kumar Chandravanshi, J

1. Since the issue involved in both the writ petitions is similar, they are being heard and decided by this common order.

2. By filing instant writ petitions under Article 226/227 of the Constitution of India, the petitioners have prayed that the service rendered by them as daily wage employees before they were regularized in the department under the respondents, should also be counted as qualifying service in respect of entitlement of full pension, gratuity and other retiral dues on completion of service on their retirement. [For the sake of convenience, WPS No. 1358/2019 would be taken-up as lead case]

3. At the outset, learned counsel for the petitioners submits that after superannuation of the petitioner on 31.03.2018, amount of gratuity has been paid to him counting past service rendered by him as daily wage employee, i.e. from 16.5.1984 to 06.5.1995 and no grievance has been left with him with regard to payment of gratuity amount, rather his grievance is only to the extent that his past service rendered as daily wages employee be counted for the purpose of pension, as has been calculated for grant of gratuity.

4. Per contra, learned counsel for the State submits that during the period, i.e. from 16.5.1984 to 06.5.1995, the petitioner was not regularized in service, therefore, he is not entitled to get the benefit of counting aforesaid period for pension purpose.

5. I have heard learned counsel for the parties and perused the material available on record.

6. The issue involved in the instant petitions stands squarely covered by the decision of the Division Bench of this Court in the case of Lakhanram Sahu & Ors. Vs. State of Chhattisgarh & Ors. , WA No.281/2013 and other analogous appeals, decided on 26.02.2015, which has further been reiterated by learned Division Bench in Writ Appeal

No.139/2022 (State of Chhattisgarh & Ors. vs. Dayanand Mudaliar).

7. Common Order dated 17.5.2018 passed by learned Single Judge of this Court in WPS No.3719/2018 & WPS No.3728/2018, was upheld by the learned Division Bench in WA No.139/2022. It has been observed in para 3 of order dated 17.5.2018 that Finance Department has also issued Circular on 28.02.2018 for counting past service of daily wage employees for pensionable service. Para 3 of the aforesaid order is reproduced as under:-

"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.8/2018, dated 28.02.2018 have held that the period of the Daily wage employees, who have been regularized subsequent to 01.11.2004, their past services as daily wage employee would also be treated as pensionable service."

8. In view of the aforesaid factual matrix of the case and the judgment rendered by the learned Division Bench in aforesaid cases, this Court is of the opinion that ends of justice would meet if these writ petitions itself are disposed of with a direction to respondents No.1 to 4 to take all necessary steps to ensure that the services rendered by the petitioners as daily wage employees and if the petitioners have been as a daily wage employees itself regularized in the department, then their period rendered as daily wage employees may also be treated as pensionable service.

9. With aforesaid observation and direction, the writ petitions stand allowed and disposed of.