



2026:CGHC:19094



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 642 of 2022**

1 - Gairndram Dhruw S/o Late Birjburam Dhruw Aged About 65 Years R/o Village Lafinkhurd, Ward No. 4, Tahsil And District Mahasamund (Chhattisgarh), District : Mahasamund, Chhattisgarh

... Petitioner**versus**

1 - State Of Chhattisgarh Through The Secretary Capital Comple, New Raipur, Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

2 - Chief Engineer, Mahanadi Godawari Kachhar, Kodar Pariyojna, Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

3 - Executive Engineer, Kodar Nahar, Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

--- Respondent(s)

For Petitioner	:	Mr. J.K. Gupta, Advocate
For State	:	Mr. Amandeep Singh, PL

Hon'ble Shri Justice Rakesh Mohan Pandey**Judgment On Board****25.4.2026**

1) By way of this petition, the petitioner has sought following reliefs:-

"1. That the Hon'ble Court may be kind enough to call the record of the wife of the petitioner.

2. That the Hon'ble Court may be kind enough to issue a writ of mandamus and to command the



respondents to count the services of the wife of the petitioner from 13-8-2008 and her pay/ salary should have been revised with annual increments / time bound scheme / higher pay in accordance with Rules and consequently the respondent be ordered to pay the retirement benefits thereafter.

3. That the Hon'ble Court may be kind enough to pass any appropriate writ, order or direction in the circumstances of the case.”

- 2) Mr. Gupta, learned counsel appearing for the petitioner would submit that while the wife of the petitioner namely, Aasbati, was working as a daily-wage employee under the Respondent Department since 1985-86 but her services along with other 47 employees were terminated by the department. He would further submit that against the order of termination, they raised a dispute before the learned Labour Court under Section 31(3) read with Section 61 of the Chhattisgarh Industrial Relations Act, 1960, which was allowed in favour of the Labourers vide order dated 23.01.1999. He would contend that thereafter, an appeal was preferred by the State authorities before the State Industrial Court and it was dismissed vide order dated 09.04.2012. A review petition was also filed before the State Industrial Court and it was also dismissed vide order dated 20.09.2012. He would further contend that Smt. Aasbati approached the High Court of Chhattisgarh by filing WPS No.4311 of 2013 claiming therein regularization and vide order dated 05.02.2018, a direction was issued to the respondent authorities to consider her claim. It is submitted by Mr. Gupta that the services of wife of the petitioner were regularized by the department vide order dated 22.02.2021 and she joined services on 01.03.2021 but she succumbed to death on account of Covid-19 on 02.04.2021. Mr. Gupta would submit that till date, the respondent authorities have not finalized claim of retiral dues despite repeated representations. He



would pray that a direction may be issued to the respondent authorities to consider the claim of the petitioner.

- 3) On the other hand, learned State counsel would oppose the submissions. He would submit that though an order of regularization was passed in favour of Smt. Aasbati on 22.02.2021 but she failed to join her services and died on 02.04.2021, therefore, the petitioner is not entitled for any benefits as claimed in this petition. It is also argued that vide letter dated 04.03.2021, Smt. Aasbati was directed to submit original relevant documents before the Executive Engineer, Water Resources Department, Mahasamund but said direction was not complied with as Smt. Aasbati died on 02.04.2021. He would contend that the petition deserves to be dismissed.
- 4) I have heard the learned counsel appearing for the parties and perused the documents placed on record.
- 5) Services of wife of the petitioner namely, Smt. Aasbati were regularized vide order dated 22.02.2021.
- 6) Annexure P/6 joining letter dated 01.03.2021 would reveal that Smt. Aasbati approached the Executive Engineer, Water Resources Department, Mahasamund along with relevant documents to join her services on 01.03.2021. The said application was received by the Office of Executive Engineer, Water Resources Department.
- 7) Annexure R/1 dated 04.03.2021 would show that Smt. Aasbati was directed to complete the formalities and to produce original documents. In the letter dated 04.03.2021, it is nowhere stated that Smt. Aasbati did not join services.



- 8) Taking into consideration the above-discussed facts, the petitioner is permitted to make a detailed representation along with relevant documents claiming therein retiral benefits before respondent No.3 within a period of 45 days from today and in turn, the said authority is directed to decide it in an objective manner strictly in accordance with law preferably within a period of 90 days from the date of receipt of a copy of this order.
- 9) With the aforesaid observation(s) and direction(s), this petition is **disposed of**.

Sd/-

(Rakesh Mohan Pandey)
JUDGE