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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1145 of 2023**

1 - Bhushan Lal Sahu S/o Gulal Prasad Sahu Aged About 62 Years
Occupation Retired From Lab Technician, Govt. Mahaprabhu
Vallabhacharya P. G. College Mahasamund R/o Ward No. 25, Shri Ram
Colony, Mahasamund District Mahasamund Chhattisgarh.

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through The Principal Secretary Department
Of Higher Education, Mantralaya Mahanadi Bhawan, Naya Raipur,
District Raipur Chhattisgarh.

2 - Commissioner Department Of Higher Education, Third Floor,
Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh.

3 - Principal Govt. Mahaprabhu Vallabhacharya P. G. College
Mahasamund District Mahasamund Chhattisgarh.

4 - The Joint Director Treasury, Account And Pension Raipur Division,
District Raipur Chhattisgarh.

... Respondent(s)



For Petitioner(s)	:	Mr. Aniruddha Shrivastava, Advocate.
For Respondent(s)/State	:	Mr. Sangharsh Pandey, G.A.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

20/01/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

"10.1 That, the Hon'ble Court may kindly be pleased to call for the entire relevant records from the respondents authorities concerning to the petitioner's case.

10.2 That, the Hon'ble Court may kindly be pleased to issue a direction to the respondent authorities to calculate the entire service period rendered by the petitioner from the date of initial appointment ie. 16.09.1991 for the purposes of Pension and Gratuity, to meet the ends of justice.

10.3 That, the Hon'ble court may kindly be pleased to direct the Respondents to count petitioner's initial service period i.e. from 16.09.1991 to 11.08.1996 for the purposes of calculating Pension and Gratuity and disburse the amount with all consequential benefits with interest, in the interest of justice.

10.4 That, the Hon'ble court may kindly be pleased to direct the Respondents to decide the representation with in specific time period of 15 days.



10.5 Any other relief/relief's which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case with annual interest to pay on Pension amount, may be granted to the petitioner, in the interest of justice."

2. Brief facts of the case, is that, the petitioner was initially appointed on an ad-hoc basis as a Lab Technician on 13.09.1991 in the pay scale of Rs. 1200-40-1440-1800/- and joined service on 16.09.1991 at Government Chhattisgarh College, Raipur. Thereafter, in view of the satisfactory services rendered by him, he was regularized on the post of Lab Technician vide order dated 09.08.1996 issued by the Additional Director, Higher Education, Raipur-Bastar Division, and he joined as a regular employee on 12.08.1996. The petitioner discharged his duties with utmost sincerity and without any stigma and, while posted as Lab Technician at Government Mahaprabhu Vallabhacharya P.G. College, Mahasamund, he attained the age of superannuation and retired from service on 31.10.2022. However, vide memo dated 20.12.2022, the office of respondent No. 3 forwarded the petitioner's retirement proposal and pension calculation sheet to respondent No. 4, wherein the pension and gratuity were calculated without counting the service rendered by the petitioner from 16.09.1991 to 11.08.1996, compelling the petitioner to submit representations dated 20.12.2022 and 02.01.2023 seeking inclusion of the said period but no action was taken. Subsequently, respondent No. 4 forwarded the pension and



gratuity calculation sheet to the District Treasury Officer vide memo dated 04.01.2023 without considering the petitioner's initial ad-hoc service and wrongly reckoned his qualifying service only from 12.08.1996, in clear violation of the Chhattisgarh Civil Services (Pension) Rules, 1976 and the Chhattisgarh Fundamental Rules. Despite the petitioner having continuously worked under the control of the respondent authorities since his initial appointment and his services having been duly regularized in 1996, the respondents failed to consider his entire length of service for pensionary benefits, thereby depriving him of lawful pension and consequential benefits; even a further representation dated 19.01.2023 submitted by the petitioner. It is pertinent to note that the Government of Chhattisgarh, Finance Department, vide notification dated 02.03.2005, directed that services rendered by contingency-paid and work-charged employees shall be counted for pension as if rendered in a regular post, which has been arbitrarily and discriminatorily ignored by the respondents, rendering their actions illegal, arbitrary, mala fide, and contrary to settled principles of service jurisprudence and the applicable pension rules.

3. Learned counsel for the petitioner submits that the petitioner has been serving the Higher Education Department as a Lab Technician, having initially rendered his services on an ad hoc basis and thereafter having been duly regularized in accordance with the applicable rules. It is contended that upon regularization,



the petitioner became entitled to all consequential service benefits, including the benefit of pension, which is presently being extended to him. However, while computing the qualifying service for the purpose of pensionary benefits, the competent authority has failed to take into account the period of service rendered by the petitioner on an ad hoc basis prior to his regularization. According to learned counsel, the said exclusion of the ad hoc service period is arbitrary, unjustified, and contrary to settled principles of service jurisprudence, particularly when the petitioner has rendered continuous service without any break. Aggrieved by the non-consideration of his ad hoc service for pensionary benefits, the petitioner has been constrained to approach this Hon'ble Court by way of the present petition seeking appropriate relief. He has placed reliance upon the order passed by the High Court of Madhya Pradesh at Jabalpur in the matter of ***Dr. Arun Prakash Bukharia vs. The State of M.P. and Others*** passed on **26.11.2025**.

4. On the other hand, learned counsel for the State submits that the grant of pension is strictly governed by the statutory rules and can be extended only for the period during which the petitioner was in regular service. Reliance is placed upon Rule 15-A of the Chhattisgarh Civil Service (Pension) Rules, 1976, which categorically provides that pensionary benefits cannot be granted for any period of ad hoc service and further mandates that there must be no break in service for such benefits to accrue. In the



present case, it is contended that the petitioner's service record clearly discloses a break in service and, therefore, in consonance with the said rule, only the period commencing from the date of regularization and continuing uninterrupted has been taken into account for the purpose of pensionary calculation. Accordingly, the competent authority has rightly considered and allowed pensionary benefits only for the qualifying period of regular service without any break, and the petitioner's claim seeking inclusion of the period of ad hoc service and the period during which there was a break in service is wholly misconceived, contrary to the rules, and thus not liable to be considered.

5. I have heard learned counsel for the parties and perused the material available on record.
6. Considering the facts and circumstances of the case and further considering the submissions advanced by learned counsel for the parties, and the material placed on record, this Court is of the considered opinion that the computation of pensionary benefits is governed strictly by the provisions of the Chhattisgarh Civil Services (Pension) Rules, 1976, and that, in terms of Rule 15-A thereof, only the period of regular service rendered without any break can be reckoned as qualifying service for pension. In the present case, the petitioner's ad hoc service prior to regularization and the period during which there existed a break in service cannot be counted for pensionary benefits, and the competent authority has rightly computed the petitioner's pension and



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gratuity from the date of his regularization in accordance with the statutory rules. No illegality, arbitrariness, or violation of the applicable rules is made out warranting interference by this Court in exercise of its writ jurisdiction.

7. Accordingly, the writ petition, being devoid of merit, is disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat