



2026:CGHC:10204



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No.2109 of 2026**

Hiramani Nai S/o Late Ram Pratap Nai Aged About 62 Years R/o Village Barohi, Post Naigarh, Distt. Rewa, Madhya Pradesh.

... Petitioner**versus**

1 - State Of Chhattisgarh Through The Secretary, Department Of Horticulture, Mantralaya, Atal Nagar, Nava Raipur, Distt. Raipur, Chhattisgarh.

2 – Director, Directorate Horticulture And Farm Forestry 4th Floor, Block-2, HOD Building, Indrawati Bhawan Nava Raipur Atal Nagar, Chhattisgarh.

3 - Divisional Joint Director Treasury, Accounts And Pensions, Surguja Division, Surguja, Chhattisgarh.

4 - Deputy Director Of Horticulture Distt. Surguja, Ambikapur, Near Ramanujganj Naka, Ambikapur, Distt. Sarguja, Chhattisgarh.



5 - Principal Accountant General (A And E) Chhattisgarh, Zero Point, Baloda Bazar Road, P.O. Vidhan Sabha, Distt. Raipur, Chhattisgarh.

... Respondents

For Petitioner	: Shri Imran Ahmad Khan, Advocate.
For Respondents/State	: Shri Virendra Verma, PL.

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

27.02.2026

1. The Petitioner has filed this Petition for the following reliefs:-

“10.1 Issue an appropriate writ, order or direction, including a writ of Mandamus, directing the Respondents to recompute the Petitioner's qualifying service by counting the entire period of service rendered from the initial date of engagement Le. 09.01.1984, and not merely from the date of regularization Le. 17.09.2008, and to accordingly recompute and release the Petitioner's lawful gratuity, leave encashment and pension.

10.2 Issue an appropriate writ, order or direction directing the Respondents to revise and correct the Pension Payment Order (PPO No. PSRG0525094 dated 29.05.2025) by rectifying the qualifying service taken into account, and to recalculate the gratuity and monthly pension payable to the Petitioner, and to release the differential amounts found due, along with interest.

10.3 Issue an appropriate writ, order or direction directing the Respondents to compute, sanction and disburse the Petitioner's lawful leave encashment dues, which have been illegally omitted from the



Pension Payment Order, together with interest.

10.4 Issue an appropriate writ, order or direction directing the Respondents to pay interest at a reasonable rate on all delayed retiral dues, including short-paid pension, differential gratuity and leave encashment, from the date of superannuation i.e. 31.03.2025 till the date of actual payment.

10.5 Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;”

2. Learned Counsel for the Petitioner submits that the Petitioner was initially engaged as a daily wage employee in the year 1984, i.e., from the date of his initial employment and he continued in service and was regularized w.e.f. 16.09.2008. The Petitioner, upon attaining the age of superannuation, stood retired from service w.e.f. 31.03.2025. The Respondents, while calculating the retiral dues of the Petitioner, have not computed the period of service rendered by him as a daily wage employee and thereby calculated a lesser amount towards retiral dues and no leave encashment amount has been paid to him. He contended that the issue with regard to computation of service rendered as a daily wage/temporary employee for the purpose of calculating retiral dues came up for consideration before the Hon'ble Supreme Court in *Netram Sahu vs. State of Chhattisgarh & Anr.*, Civil Appeal No. 1254/2018, decided on 23.03.2018, and therefore, the Petitioner is entitled to the benefits upon taking into consideration the services



rendered by him as a daily wage employee as well. He further submits that the Petitioner may be permitted to submit a representation before Respondents No. 3 & 4 and a direction be issued to the concerned authorities to take a decision on the representation of the Petitioner within a specified time frame.

3. Learned State Counsel submits that according to his information, the decision relied upon by learned Counsel for the Petitioner i.e., *Netram Sahu* (supra), is pending consideration before a larger Bench. He, however, submits that if the Petitioner submits a representation to be considered by the authorities, he has no objection.

4. Upon due consideration of the submissions made by learned Counsel for the respective parties, without entering into the merits of the claim of the Petitioner, the Writ Petition is **disposed of**. The Petitioner is permitted to submit a representation before Respondents No.3 & 4 and in the event such representation is submitted, the concerned authority shall consider and decide the same on its own merits in accordance with law, expeditiously, preferably within a period of four months from the date of receipt of the representation.

Sd/-
(Parth Prateem Sahu)
Judge