



2026:CGHC:21296-DB
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 406 of 2026

1 - Bhushan Lal Sahu S/o Gulal Prasad Sahu Aged About 65 Years
Occupation- Retired From Lab Technician, Govt. Mahaprabhu
Vallabhacharya P.G College Mahasamund R/o Ward No. 25 Shri Ram
Colony, Mahasamund District- Mahasamund (C.G.)

... Appellant(s)

versus

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

2 - Commissioner Department Of Higher Education, Third Floor,
Indravati Bhavan, Naya Raipur, District Raipur (C.G.)

3 - Principal Govt. Mahaprabhu Vallabhacharya P.G College
Mahasamund District- Mahasamund (C.G.)

4 - The Joint Director Treasury Account And Pension Raipur Division
District- Raipur (C.G.)

... Respondent(s)

For Appellant(s) : Mr. Aniruddha Shrivastava, Advocate.

For Respondent/State : Mr. Praveen Das, Additional Advocate
General.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice
07/05/2026

1. Heard Mr. Aniruddha Shrivastava, learned counsel for the
appellant as well as Mr. Praveen Das, learned Additional



Advocate General for the Respondent/State on I.A. No.01/2026, which is an application for condonation of delay of 6 days in filing the present writ appeal.

2. On due consideration, I.A.No.01/2026 is allowed. Delay of 6 days in filing the present writ appeal is hereby condoned.
3. The appellant has filed this writ appeal against the order dated 20.01.2026 passed by the learned Single Judge in W.P.(S) No. 1145/2023 (***Bhushan Lal vs. State of Chhattisgarh & Others***), whereby the learned Single Judge has disposed of the writ petition filed by the writ petitioner/appellant. Thereafter, the writ appellant prefer the instant appeal before this Court with the following prayer:-

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

ii. That, the Hon'ble Court may kindly further be pleased to quash the impugned order dated 20/01/2026 passed by the Hon'ble Single Bench in W.P.(S) No. 1145/2023.

iii. That, the Hon'ble Court may kindly be pleased to issue a direction to the respondent authorities to calculate the entire service period for Pension purpose, to meet the ends of justice.

iv. That, the Hon'ble court may kindly be pleased to direct the Respondents to count petitioner's initial service period i.e. from 1991 to 1996 for Pension and Gratuity with all purpose and disburse the consequential benefits with interest, in the interest of justice amount.



v. That the Hon'ble Court direct the respondents authority to give cost of the litigation to the appellant.”

4. The brief facts of the case are that the appellant was initially appointed on ad hoc basis on the post of Lab Technician vide order dated 13.09.1991 and joined his duties on 16.09.1991 at Government Chhattisgarh College, Raipur. Thereafter, his services were regularized 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 appellant continued in service without any adverse remark and retired on attaining the age of superannuation on 31.10.2022 from Government Mahaprabhu Vallabhacharya P.G. College, Mahasamund. However, while calculating the pension and gratuity, the respondent authorities excluded the period of service rendered by the appellant from 16.09.1991 to 11.08.1996 and reckoned his qualifying service only from the date of regularization. Aggrieved thereby, the appellant submitted several representations seeking counting of the said ad hoc service period for pensionary benefits on the basis of Rule 15- A of the applicable Pension Rules, which provides for counting of ad hoc service rendered against a regular post when such services are subsequently regularized without interruption. The appellant also relied upon the judgments rendered in Dr. Arun Prakash Bukharia vs. State of M.P. & Others decided on 26.11.2025 and Geeta Shrivastava vs. State of Madhya Pradesh, reported in 1988 MPLJ



1982, wherein it has been held that artificial breaks in service cannot deprive an employee from pensionary benefits. However, the learned Single Judge disposed of the writ petition without considering and distinguishing the aforesaid binding precedents, hence the present writ appeal has been preferred.

5. Learned counsel for the appellant submits that the action of the respondents in not counting the services rendered by the appellant from 16.09.1991 to 11.08.1996 for the purposes of pension and gratuity is wholly illegal, arbitrary and contrary to Rule 15-A of the Chhattisgarh Civil Services (Pension) Rules, 1976, which specifically provides that ad hoc service rendered against a regular post shall qualify for pension where such services are subsequently regularized without interruption. In the present case, the appellant was appointed against a sanctioned regular post of Lab Technician and thereafter his services were regularized, therefore the respondents were legally bound to count the said period as qualifying service for pensionary benefits. The alleged breaks of one day after completion of 89 days were merely artificial and technical in nature and cannot deprive the appellant of continuity of service and pensionary benefits, particularly when the appellant continuously discharged his duties against a sanctioned post till his regularization and eventual retirement.
6. It is further submitted that pension is a statutory and valuable right accrued to an employee for the services rendered by him and



arbitrary exclusion of a substantial period of service while calculating pension and gratuity amounts to violation of Articles 14 and 300-A of the Constitution of India. The respondents have acted in an arbitrary manner by ignoring the statutory provisions and repeated representations submitted by the appellant, and the learned Single Judge also failed to properly appreciate the settled principles governing counting of ad hoc service rendered against a regular post. Therefore, the impugned order and the action of the respondents deserve to be quashed and the respondents are liable to be directed to recalculate the pension and gratuity of the appellant by counting the services rendered from 16.09.1991 to 11.08.1996 as qualifying service along with all consequential benefits.

7. On the other hand, learned counsel for respondents opposes the submissions made by the learned counsel for the appellant and submits that the learned Single Judge after considering all the aspects of the matter has rightly disposed of the writ petition filed by the writ petitioner / appellant herein, in which no interference is called for.
8. We have heard learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.
9. From the perusal of the order passed by the learned Single Judge and the material available on record, it comes that the appellant was initially appointed on ad hoc basis on the post of Lab Technician on 13.09.1991 and his services were subsequently



regularized vide order dated 09.08.1996. The grievance of the appellant is regarding non-counting of the period rendered by him from 16.09.1991 to 11.08.1996 for the purposes of pension and gratuity. The learned Single Judge, after considering the rival submissions and the provisions governing the field, has held that under Rule 15-A of the Chhattisgarh Civil Services (Pension) Rules, 1976, only such ad hoc service can be counted where the service is regularized without interruption and there exists no break in service. From perusal of the record, it appears that the appellant was engaged for fixed periods and after completion of each tenure there existed breaks in service and, therefore, the competent authority calculated the pensionary benefits from the date of regularization i.e. 12.08.1996 by treating the earlier ad hoc engagement as non-qualifying service in terms of the statutory rules.

- 10.** We are of the considered opinion that the learned Single Judge has rightly observed that pensionary benefits are governed strictly by the statutory provisions and unless the conditions prescribed under the Rules are fulfilled, the period of ad hoc service cannot automatically be counted towards pension. No material has been brought on record by the appellant to establish that the breaks in service were liable to be ignored under the applicable rules. We find that the learned Single Judge has assigned cogent and valid reasons while dismissing the writ petition and no perversity, patent



illegality or jurisdictional error is made out warranting interference by this Court.

11. Accordingly, we do not find any illegality, irregularity or jurisdictional error in the impugned order passed by the learned Single Judge warranting interference by this Court. Therefore, the writ appeal being devoid of merit is liable to be and is hereby **dismissed**. No cost(s).

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice