



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3923 of 2015

Naseem Khan S/o Late Shri Ahmed Khan, Aged About 69 Years Retired Assistant Engineer, R/o. 71, Anand Vihar Colony, Kohka, Bhilai, District Durg Chhattisgarh
... **Petitioner(s)**

versus

1 - Executive Director, Chhattisgarh State Power Distribution Company Limited Durg, District Durg Chhattisgarh

2 - Superintendent Engineer, Durg Circle, Chhattisgarh State Power Distribution Company Limited Durg, District Durg Chhattisgarh

3 - Executive Engineer, Chhattisgarh Electricity Board, O And M Division Bhilai, District Durg Chhattisgarh
... **Respondent(s)**

(Cause title is taken from the CIS)

For Petitioner	: Shri Shikhar Sharma, Advocate
For Respondents	: Shri Abhyuday Singh, Advocate

Hon'ble Shri Justice Ravindra Kumar Agrawal

Order on Board

20.03.2026

1. Heard.
2. Present petition has been filed by the petitioner under Article 226 of the Constitution of India for the following reliefs:

“10.1 That, the Hon’ble Court may kindly be pleased to quash/set-aside the impugned order 14–8-2013 (Annexure P-1) and relief prayed in the representation dated 29/30-04-2013 may kindly be granted.

10.2 That, the Hon'ble Court may kindly be directed the respondents to count petitioner's service from the date of his initial appointment dated 12-11-1969 for regularization, promotion, seniority and give the consequential benefit in proper place.

10.3 Any appropriate writ, direction or order may also kindly be passed in favour of the petitioner, which this Hon'ble Court deems fit in the circumstances of the cash."

3. Brief facts of the case are that petitioner was initially appointed on the post of Work Charge Supervisor on 01.11.1969 with Office of the Chief Engineer, MPEB, and joined to his duty on 15.11.1969 and continued in his service. However, he was terminated vide order dated 10.10.1975 on the ground that his work is not satisfactory, and he was only a work charge employee at that time. He made various representations to the authorities, and ultimately, his representation was considered, and he had been given fresh appointment as Work Charge Supervisor vide order dated 01.06.1975. Thereafter, he continued in service, and ultimately, superannuated on 30.04.2005. In between that period, he was suspended from his service on 04.04.1986, and his suspension was revoked on 07.03.1987 after imposing minor penalty upon him. Earlier, petitioner has filed writ petition-3020 of 2000 claiming that the benefit of his past service for regularization and pensionable benefits shall be granted to him. The said writ petition was disposed of

on 12.03.2013 directing the petitioner to submit his representations before the concerned authorities, and such representation shall be decided by the authorities concerned within the stipulated time frame in accordance with law, on its own merits. Thereafter, the petitioner moved his representation on 30.04.2013, which has been decided by the respondent-2 on 14.08.2013, rejecting the representation of petitioner, holding that his service has been counted from 08.06.1976 up to 01.04.1984 under the work charge employment for calculation of his pension and his claim of counting his service from 15.11.1969 cannot be considered as there is no record available with the authorities with respect to his service from 15.11.1969. However, on collecting the information it reveals that though the petitioner was appointed as work charge employee on 12.11.1969 but his services were terminated on 01.10.1975. The said order dated 14.08.2013 is under challenge in the present writ petition.

4. Learned counsel for the petitioner would submit that the petitioner was initially appointed on 01.11.1969 and he joined his service on 15.11.1969 though he was terminated in the year 1975 but he was reinstated and he was reappointed on 01.06.1976. Therefore, his past service under the work charge employment should be counted for the benefit of his pension. Earlier, petitioner has raised his grievance in Writ Petition-3020 of 2000 which was disposed of by the Coordinate Bench of this Court reserving liberty to the petitioner to move representation which is to be decided in accordance with law, relevant rules of 2003 clearly

stipulates that the work charge period of Officers and employees should be counted for pensionary benefits. Yet, the representation of the petitioner was rejected on the ground that there is no document available with the authorities with respect to his service from 12.11.1969 to 01.10.1975. Therefore, the impugned order passed by respondent-2 may be set aside, and the petitioner may be granted benefits as claimed in the writ petition directing the authorities to consider the past services of the petitioner in the work charge employment for the pensionary benefits and to grant consequential relief(s) to the petitioner.

5. On the other hand, learned counsel appearing for the respondents would submit that though the petitioner was initially appointed on the post of work charge employee with the respondent department on 01.11.1969 and he joined on 15.11.1969, however, due to certain allegations his services were terminated vide order dated 10.10.1975. Thereafter, he made several representations to the authorities, and considering his representations, the authorities had issued appointment order dated 01.06.1976, by which the petitioner was provided fresh appointment on work charge employment and it was not the reinstatement, or reappointment. Therefore, even if the petitioner worked for some period in work charge employment, it cannot be counted on the subsequent fresh appointment. He would also submit that petitioner has never challenged his appointment order that he could not be freshly appointed but his appointment should be of reinstatement, and he worked till his entire service tenure without raising any objection to that respect and

ultimately, at the fag end of his service, he raised objection with respect to his appointment that it should be reinstatement, and all the benefits of his earlier services rendered in work charge employment should be counted for pensionary benefits, which cannot be granted to him. He would also submit that the authorities have also considered his service record, and his representation was rejected on this ground alone, considering this fact that he was freshly appointed, and there is no any document of his past service on record with the present service record of the petitioner. Therefore, petitioner is not entitled for any relief, and his writ petition is liable to be dismissed.

6. Heard learned counsel for the parties, and perused the material annexed with the writ petition and gone through the pleadings.

7. The undisputed fact in the present case is that, initially petitioner engaged in work charge employment vide order dated 01.11.1969 and he joined on 15.11.1969. However, on certain charges, his services were terminated on 10.10.1975.

8. Dispute in the present writ petition is that the appointment of the petitioner on 01.06.1976 is a fresh appointment, or is it a reinstatement of the service.

9. In para-8.4 of the writ petitioner, he himself has pleaded that on 01.06.1976, the respondent authorities have issued fresh appointment order to the petitioner as a work charge Supervisor. When the petitioner

himself has considered that it was a fresh appointment, and not reinstatement, yet, he has not challenged his appointment order issued on 01.06.1976 till the end of his tenure/retirement. There is substantial difference in 'fresh appointment' and 'reinstatement'.

10. The Hon'ble Supreme Court in the case of **Central Bank of India and others Vs Dragendra Singh Jadon**, (2022) 8 SCC 378 considered that :

"19. We find no infirmity with the concurrent findings of the Single Bench and the Division Bench of the High Court. There is a difference between reappointment and reinstatement. Reinstatement means to return a person or thing to its previous position or status. An order of reinstatement puts a person back to the same position."

11. In the writ petition, petitioner has not annexed his appointment order, and has pleaded that it was a fresh appointment issued to him on 01.06.1976. He would rely upon the Circular dated 24.09.2003 by which it has been directed that the work charge petition of the Officer and the employer is only counted for pensionary benefits i.e for calculating qualifying service for the purpose of pension/DCRG under Rule 42 of the Pension Rules, 1976 applicable to the Board employee.

12. True, it is, that the Circular is effective for the employees who have been worked with the Board and their past service under the work charge employment was not considered for which the said circular was issued for its consideration from the initial date of work under the work charge employment. However, in the present case, admittedly and as per the

pleadings of the petitioner himself, he was freshly appointed on 01.06.1976. After removal from service on 10.10.1975, he was freshly appointed on work charge employment on 01.06.1976, when it was a fresh appointment, his past service cannot be considered as for its terms that it was a fresh appointment. Further, the petitioner has never challenged his appointment order.

13. Though the petitioner's submission is that in the year 2000, he has filed writ petition raising his grievance, including the grievance of nature of appointment that it was not fresh appointment but it was reinstatement but that too was filed in the year 2000, after about 25 years of his appointment. Hence, the writ petition was not pressed on merits and obtained liberty to pursue his representation before the authorities concerned.

14. Having considered the rival submissions and material available in the writ petition, this Court is of the considered opinion that the petitioner could not make out a case to interfere with the impugned order dated 14.08.2013 for counting of his service from the initial date of his joining to his duty i.e. 15.11.1969 for his pensionary benefits, and other consequential reliefs.

15. Accordingly, present writ petition fails, and it is hereby dismissed.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE