



2026:CGHC:14699

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3842 of 2020**

1. Rameshchandra Sahu S/o Late Shri B.B. Sahu Aged About 62 Years (Retired Accountant), Tribal Development, Raipur, District-Raipur, Attached- Department Of Minorities Commission Of State Of Chhattisgarh, Permanent R/o, Village Chanordih, Post- Jagdishpur, P.S.- Basna, District- Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

... Petitioner**versus**

1. State Of Chhattisgarh Through Secretary, Tribal Development, Indravati Bhavan, Atal Nagar, New Raipur, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Commissioner, Tribal Caste And Scheduled Caste Development, Indravati Bhavan, Atal Nagar, New Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
3. The Joint Commissioner, Tribal Development, Indravati Bhavan, Atal Nagar, New Raipur, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
4. The Joint Director, Treasury, Accounts And Pension, Raipur, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

... Respondent(s)

For Petitioner : Ms. Aditi Joshi, Advocate appears on behalf of Mr. Utkal Pradhan, Advocate

For Respondent(s) : Mr. Krishna Gopal Yadaw, Dy. Govt. Advocate

Hon'ble Shri Justice Narendra Kumar Vyas**Order on Board****30.03.2026**

1. The petitioner has filed the present writ petition under Article 226 of Constitution of India for adding of his past services before his



regularization on the post of Lower Division Clerk in the Tribal Caste and Scheduled Caste Development Department of the State Government.

2. Learned counsel for the petitioner would submit that the petitioner was initially appointed as daily wages employee and thereafter either he has been regularized or he has been absorbed in the regular establishment of work and contingency employment with respondent department, therefore, as per Rule 6(3) of the Pension Rules, 1976, past services of the petitioner should have been counted for the purpose of pension. She would further submit that Co-ordinate Bench of this Court has already decided the issue raised in this writ petition in his favour and thereafter Writ Appeals were also preferred by the State before the Hon'ble Division Bench of this Court and same have been dismissed by the Hon'ble Division Bench, as such they shall comply with the order passed by the Hon'ble Division Bench of this Court.
3. Per contra, learned State counsel would submit that against the orders passed by the Hon'ble Single Bench as well as the Hon'ble Division, the State has filed SLP (Civil) Nos. 8677-8678/2023 before the Hon'ble Supreme Court wherein the Hon'ble Supreme Court has stayed the orders passed by the Hon'ble Single Bench and Hon'ble Division Bench of this Court. The operative part of the order reads as under:

“Delay condoned. Issue notice to the respondents. In the meanwhile, there shall be interim stay of the impugned order.”

Thus, he would pray for keeping the proceeding in abeyance.



4. Considering the submissions and the fact that the issue raised in this writ petition is squarely covered with the issue which is already pending before the Hon'ble Supreme Court, I am of the view that there is no justifiable reason to keep this writ petition pending.
5. Accordingly, the writ petition deserves to be disposed of with a direction that the judgment passed by the Hon'ble Supreme Court in SLP(C) Nos. 8677-8678/2023 will be applicable *mutatis mutandis* in the facts and circumstances of the case of the petitioner and his entitlement to get additional pension will be governed by the decision of the Hon'ble Supreme Court in SLP(C) Nos. 8677-8678/2023. It is also directed that if SLP(C) Nos. 8677-8678/2023 is decided in favour of the petitioner, the respondents shall extend the benefit to the petitioner without any further delay. It is also directed that if the grievance of the petitioner still exists, the petitioner shall be at liberty to file a fresh petition raising his grievances.
6. With the aforesaid observation, direction and liberty granted to the petitioner, the writ petition is disposed of.
7. Pending interlocutory applications, if any, stand disposed of.

Sd/-
(Narendra Kumar Vyas)
Judge