



2026:CGHC:12924

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5430 of 2022

Mahipal Singh Thakur S/o. Shri Jagannath Singh Thakur, Aged About 63 Years
Occupation -Ex Govt. Employee Retd Assitant Grade -Iii, Nagar Panchayat
Kasdol, R/o House No. 35, Ward No. 14 Raghunath Kesharwani
Gali,balodabajar, District Balodabajar - Bhatapara Chhattisgarh.

... Petitioner

versus

- 1** - The State Of Chhattisgarh Through The Secretary Urban Administration And
Development Department, Mantralaya Mahanadi Bhawan, Capital Complex,
Atal Nagar, New Raipur District Raipur Chhattisgarh.
- 2** - Deputy Director (Pension) Urban Administration And Development
Department Atal Nagar, New Raipur, District Raipur Chhattisgarh.
- 3** - Collector Balodabajar, District Balodabajar Bhatapara Chhattisgarh.
- 4** - Chief Municipal Officer, Nagar Panchayat Kasdol, District Balodabajar
Bhatapara Chhattisgarh.

... Respondent(s)

For Petitioner	:	Mr. Sumit Shriwastava, Advocate
For State	:	Mr. Amandeep Singh, P. L.
For Respondent No.4	:	Mr. Shikhar Shukla, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

18/03/2026

1. The petitioner has filed this petition seeking the following relief:-

"10.1 That this Hon'ble Court may kindly be pleased to issue an appropriate writ by commanding and directing the respondents to revised the pension by calculating the period from 13.03.1985 date of initial appointment to 30.04.2021 date of superannuation.

10.2 That this Hon'ble Court may kindly be pleased to issue an appropriate writ by commanding and directing the respondents to pay the difference of pension amount after re-fixing the same.

10.3 That this Hon'ble Court may kindly please to direct the respondents to considered the petitioner case in light of the Circulars as well as decision of this Honble court.

10.4 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner together with cost of the petition.

2. Learned counsel appearing for the petitioner would submit that the petitioner was appointed vide order dated 13.03.1985 under the MPRTC. He would further submit that the services of the petitioner were sent on deputation to Nagar Panchayat, Kasdol. He would further submit that after completion of age of superannuation, the petitioner got retired from services on 30.04.2021. He would contend that the respondent authorities have not considered period of service from 13.03.1985 to 30.04.2021 for purposes of pension. He would also submit that the petitioner has completed 36 years of service, which ought to have been considered while calculating pensionable service; thus, he prays for a direction to the respondent authorities to consider above stated period as service period.
3. On the other hand, learned counsel appearing for the State would oppose the submissions made by counsel for the petitioner and submit that the petitioner was removed from service vide order dated 29.01.1986 and was reinstated pursuant to order passed by the learned Labour Court on 08.04.1987. He would further submit that vide order

dated 07.03.1989, services of the petitioner were again terminated and he was reinstated vide order dated 23.06.1990. He would submit that there is no observation in the reinstatement orders that the said period would be considered as a service period for the purpose of calculation of pension, etc. therefore, the petitioner is not entitled to any relief as claimed.

He would contend that the petitioner never raised issue with regard to reckoning the said period as service period by filing any representation before the competent authority, and this petition has been preferred after 32 years; thus, the petition deserves to be dismissed.

4. Learned counsel appearing for respondent No. 4 would support the contention made by the State counsel.
5. I have heard learned counsel for the parties and perused the documents.
6. It appears that the petitioner was appointed under MPRTC pursuant to the appointment order dated 13.03.1985. He was removed from services vide orders dated 29.01.1986 & 07.03.1989 and on both occasions, the he was reinstated. However, the petitioner never made representation to treat said period as service period.
7. After retirement, this petition has been filed claiming direction to respondents to reckon said period as service period. The claim of the petitioner is belated one. Further, the services of the petitioner were discontinued twice, and no representation was made before the competent authority, therefore, no such direction can be issued by this Court. Resultantly, the petition fails and is hereby **dismissed**. No order as to cost(s).

Sd/-

Rakesh Mohan Pandey
JUDGE

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