2026:AHC:180217

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - A No. - 20364 of 2019**

Alakh Prakash Mishra

.....Petitioner(s)

Versus

State of U.P. and 2 others

.....Respondent(s)

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**Along with :**

**1. Writ - A No. 15905 of 2014:**
Alakh Prakash Mishra
Versus
State of U.P. and 4 others

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| Counsel for Petitioner(s) | : | Avdhesh Narayan Tiwari, O.p. Chaube, Om Prakash Chaube |
| Counsel for Respondent(s) | : | C.S.C. |

**Court No. - 34**

**AFR**
**Reserved on 02.07.2026**
**Delivered on 31.08.2026**

**HON'BLE ANISH KUMAR GUPTA, J.**

1. Heard Sri Om Prakash Chaubey, learned counsel for the petitioner and Sri Jai Singh Chandel, learned Standing Counsel for the State.

2. The instant writ petition has been filed by the petition praying for the following relief:

> *"i. Issue a writ order or direction in the nature of cirtiorary quasyhing the impugned order dated 13.08.2012 passed by Respondent No.2/Collector Jhansi (Annexure No. 12 to this writ petition.*
>
> *ii. Issue the writ order or direction in the nature of mandamus commonding the Respondent No.2 to regularize the service of the petitioner as Collection Amin since 1992 and pay the service in accordance with law."*

3. Both the aforesaid petitions have been filed by the same petitioner and involves the identical controversy. With regard to Writ A No. 15905 of 2014, the claim of the petitioner was with regard to his regularization to the post of Collection Amin, whereas, in Writ A No. 20364 of 2019, claim of the petitioner is regarding the pension and other retiral dues, consequent to his retirement on 31.07.2019. Therefore, both the aforesaid writ petitions are decided by this common order.

4. Briefly stated facts of the case are that the petitioner herein was initially engaged as Seasonal Collection Amin on 25.02.1984 and since then, he used to be continously engaged as Seasonal Collection Amin time to time and vide order dated 25.12.1991, the petitioner along with other identically situated persons was given appointment on the post of Collection Amin on teporary basis for a period from 15.12.1991 to 28.02.1992, however, the temporary appointment of the petitioner was not extended after 28.02.1992.

5. Being aggrieved by the same, the petitioner herein has filed a Writ Petition No. 5973 of 1992 (Alakh Prakash Sharma Vs. Additional District Magistrate, Finance and Revenue, Jhansi and Others), which was disposed of vide judgment and order dated 08.11.2006 by this Court with the observation that in case the petitioner makes representation to the Collector for consideration and regularization of his service as Collection Amin, the same shall be considered by him in accordance with law and he shall pass a speaking order with regard to petitioner's entitlement to remain in service and to be regularized. The Collector was directed to pass such order within period of two months. It is noteworthly, after filing the writ petition by the aforesaid Writ Petition No. 5973 of 1992 by the petitioner an interim order was granted on 25.02.1992 and pursuant to the said interim order, the petitioner continued as ad-hoc/Collection Amin during the pendency of the writ petition upto 08.11.2006 and thereafter, the petitioner has made a representation to the District Magistrate, Jhansi which was rejected vide order dated 12.11.2007 and it was also observed, after passing the order dated 08.11.2006 in the writ petition, the interim order granted in favor of the petitioner on 25.02.1992 came to an end and that claim of the regularization of the petitioner was disposed of with an observation that the claim of the petitioner for regularization shall be

considered in terms of the seniority list and eligibility against 35% quota of Seasonal Collection Amin while making out the selections for the post of Collection Amin in terms of the Uttar Pradesh Collection Amins' Service Rules, 1974.

6. Being aggrieved by the aforesaid order dated 12.11.2007 passed by the District Magistrate, Jhansi, the petitioner has again approached this Court by filing Writ A No. 60795 of 2007 (Alakh Prakash Sharma Vs. Collector, Jhansi and Others), which was disposed of vide order dated 28.03.2012 with the following observation:

> *"By this petition, the petitioner has challenged the order dated 12.11.2007 passed by District Magistrate, Jhansi whereby in pursuance of direction given by this Court in Writ Petition No. 5973 of 1992, Alakh Prakash Misra Vs. Addl. District Magistrate, (Finance & Revenue) Jhansi and others, on 22.12.2006 the petitioner's representation has been rejected on the ground that at the time of regular selection on the post of Collection Amin the petitioner's case shall be considered but the petitioner's continuance in service has been stopped on the ground that his representation has been decided. Thus, in my opinion, the view taken by District Magistrate, Jhansi does not appears to be correct for the reason that in case the District Magistrate, Jhansi did not propose to hold regular selection against the available vacancies of Collection Amin, it was not open for him to stop the petitioner from working as Seasonal Collection Amin till a regular selection is made in the quota of seasonal Collection Amin. Therefore, the impugned order dated 12.11 2007 passed by District Magistrate, Jhansi cannot be sustained and the same is hereby quashed.*
>
> *The **District Magistrate, Jhansi is directed to engage the petitioner as Seasonal Collection Amin as normally engaged by the Tehsildar or District Magistrate, Jhansi. Meantime if the** vacancies are available in the 35% quota of Seasonal Collection Amin the claim of petitioner alongwith other Seasonal Collection Amin for regular appointment shall be considered in accordance with Rules within a period of three*

> *months from the date of production of certified copy of this order before him. Since the petitioner has been stopped from working from the year 2006, therefore, while considering the claim of regular selection of petitioner the services earlier rendered by him prior to year 2006 shall be considered for his regular selection, meaning thereby his performance of last four fasli prior to year 2006 shall be considered for his regular selection, otherwise on account of illegal action of respondents stopping the petitioner from working on the post, his claim would be rejected merely on the ground that he has not worked for last four fasli.*
>
> *With the aforesaid observation and direction, writ petition stands disposed of finally."*

7. In view of the aforesaid directions issued by this Court, vide order dated 28.03.2012, the petitioner again moved a representation before the District Magistrate, Jhansi, which was disposed of vide order dated 13.08.2012 holding that the engagement as Seasonal Collection Amin was to be done on the basis of the exigency of work as and when it is permitted by the Government and at present, the permission for engagement of Seasonal Collection Amin is not available and whenever such permission is granted the petitioner shall be engaged as Seasonal Collection Amin and, it was also observed that in the seniority list prepared on 07.06.2012, name of the petitioner is at Serial No. 27 and whenever the process of regularization will be conducted, the claim of the petitioner for regularization shall also be considered.

8. Thereafter, the petitioner has filed Writ A No. 15905 of 2014, challenging the order dated 13.08.2012 and during the pendency of the aforesaid Writ A No. 15905 of 2014, the petitioner along with other persons after following due process, was regularized on the post of Collection Amin vide order dated 03.09.2016 on probation for a period of two years. Pursuant to that, the petitioner had joined on 05.09.2016. In view of the regularisation of the petitioner vide order dated 03.09.2016, the Writ A No. 15905 of 2014 became infructuous.

9. Thereafter, on satisfactory completion of two years probation period

the petitioner was also confirmed on the post of Collection Amin vide order dated 27.11.2018. Thereupon, the petitioner attained the age of superannuation on 31.07.2019 and he retired as Collection Amin w.e.f. 01.08.2019. Thereafter, the petitioner has raised the claim with regard to grant of pension and other retiral dues considering his length of service as Seasonal Collection Amin, Temporary Collection Amin as well as Regular Collection Amin all together.

10. Since, the claim of the petitioner was not considered, the petitioner has filed Writ Petition No. 20364 of 2019, seeking a direction to the respondents to consider the claim of the petitioner herein for grant of retiral dues as well as pension. In the writ petition, the petitioner has relied upon the letter dated 04.06.2019, which has been issued by the Additional District Magistrate, Jhansi to all the Tehsildars of District-Jhansi, wherein reference of the Government Order dated 30.04.2019 has been made according to which it has been directed that all the services rendered by the employees as ad-hoc, work-charge, contract, seasonal or on fixed pay, shall be considered for the retiral benefits and necessary information has been sought in this regard.

11. By filing the counter affidavit, the respondents have brought on record the order dated dated 02.03.2020, whereby the claim of the petitioner for grant of pensionary benefits has been rejected holding that since the petitioner was appointed regularly in the month of September, 2016 he is not entitled for pensionary benefits as old pension scheme is not available to the petitioner.

12. In para 16 of the counter affidavit, it has been submitted that the issue regarding payment to work-charge, ad-hoc, seasonal employee is under consideration and decision regarding the same shall be taken at the earliest and the stand taken in the counter affidavit is that the petitioner is not entitled for pensionary benefits as he has worked only for 2 years, 10 months and 16 days as regular employee.

13. Learned counsel for the petitioner relying upon the judgments of this Court in ***Writ A No. 5817 of 2020 (Kaushal Kishore Chaubey and 4 Others Vs. State of U.P. and 4 Others)*** dated 08.10.2021 as well as the judgment dated 21.10.2024, in ***Writ A No. 9522 of 2024 (Rajendra***

***Bahadur Singh and 4 Others Vs. State of U.P. and Others)*** submitted that the petitioner is entitled for pensionary benefits while counting his services rendered by the petitioner as Seasonal Collection Amin since 1984.

14. Learned counsel for the petitioner has also relied upon judgment of Apex Apex Court in ***Prem Singh Vs. State of U.P.: 2019 AIR SC 516***, provides that the services rendered by an employee as work-charge employee, prior to his regularization shall be considered for counting the pensionary benefits.

15. Learned counsel for the petitioner submitted that since the petitioner was working since 1984 as Seasonal Collection Amin and thereafter since 1989 as Temporary Collection Amin and thereafter he has been regularized on the post of Collection Amin, therefore, he has rendered sufficient length of services to make himself eligible for pensionary benefits in terms of the aforesaid judgments and the respondents have illegally rejected the claim of the petitioner vide order dated 02.03.2020, which is not sustainable, in law in view of the aforesaid judgments relied upon by the petitioner.

16. *Per contra*, learned counsel for the State has relied upon the judgment of the Apex Court in ***Uday Pratap Thakur and Anr. vs. State of Bihar and Ors. (Civil Appeal No. 31155 of 2023)***, wherein the judgment in ***Prem Singh*** *(supra)* has been clarified by the Apex Court by judgment and order dated 28.04.2023 and it has been held that the previous services of ad-hoc/work-charge employee shall be counted only for considering qualifying service for pension and the number of years of previous service rendered as the temporary work-charge or ad hoc / work temporary cannot be counted for the purpose of calculation of the pension and the rules framed in this regard by the State of Bihar i.e., Work-charge Establishment Revised Service Condition Repealing Rule, 2013. Rule 5(v) provides that the previous service as Temporary Work-charge etc., shall be considered as regular service of one year for the work-charge service of every five years and after calculating the said period, if the minimum period of making a person eligible for pension is not achieved, then he will not be granted the pensionary benefits.

17. Thus, learned Standing Counsel for the State submits that even if the previous service is calculated in terms of the judgment in ***Uday Pratap Thakur*** *(supra)* as five years service as one year and even if it is presumed that the petitioner has continuously worked temporarily from 1984 till 2016 till the date of his regularization i.e., that will come to 32 years of service and adding the regular service rendered by the petitioner, 2 years, 10 months and 16 days, 32 years service, that will come to $1/5^{th}$ thereof, will come to 6 years and 5 months approximately and adding thereto the regular service rendered by the petitioner, 2 years 10 months and 16 days, even then, the petitioner would not be in a position to complete 10 years' service eligibility for making him eligible for the pensionary benefits. Therefore, learned Standing Counsel for the State seeks dismissal of the instant petition.

18. Having heard the submissions so made by the parties, this Court has carefully gone through the record of the case.

19. The facts of the case have already been noted hereinabove in great detail. It is an undisputed fact that the petitioner had started working as Seasonal Collection Amin from February, 1984 and thereafter he was appointed on temporary basis as Collection Amin w.e.f. vide order dated 21.12.1991 till 28.02.1992 and thereafter, the petitioner continued to work on temporary basis on the post of Collection Amin. Pursuant to the interim order dated 25.02.1992, passed in Writ Petition No. 5973 of 1992 filed by the petitioner. It is also apparent that the petitioner has continued to work as temporary Collection Amin till 08.01.2008, when the services of the petitioner were terminated, after rejecting the claim for regularization vide order dated 12. 11.2007 in terms of the order dated 08.11.2006. Thereafter, pursuant to the order dated 28.03.2012, passed in Writ A No. 60795 of 2007, the petitioner was re-engaged as Seasonal Collection Amin in the year, 2012. Thereafter, he was regularized vide order dated 09.09.2016 and confirmed vide order dated 27.11.2018 and he retired on 31.07.2019. the order passed in the year 2012 and later, the services of the petitioner were regularized w.e.f. 09.09.2016.

20. In ***Kaushal Kishore Chaubey*** *(supra)*, relying upon the judgment of ***Prem Singh*** *(supra)*, the Coordinate Bench of this Court has held as

under:

*"21. Undisputedly, the fact in the instant case is that the petitioners have been engaged as Seasonal Collection Amin between the year 1976 to 1990 and their services have been regularized between the years 2011 to 2016 and they have been extended all the benefits like the revision of pay with the approval of the competent authority as paid to the regular Collection Amin. The duties which have been discharged by the petitioners while working as Seasonal Collection Amin was similar to the duties discharged by regular Collection Amin, and on continuance and satisfactory services rendered by them as Seasonal Collection Amin , they have been regularized in service as per Rules. Thus, from the facts narrated above, it is evident that though the nomenclature and nature of appointment to the petitioners were Seasonal Collection Amin , but as a matter of fact, they meet all the requirements to be treated as temporary employees as held by the Apex Court in the case of A.P. Srivastava Vs. Union of India and others, (1995) 3 UPLBEC 1842 (Supplement), [ See also Ram Pratap Vs. State of U.P., 2006 (4) ADJ 709, Babu Singh Vs. State of U.P., 2006 (8) ADJ 371, Kedar Ra-I Vs. State of U.P., 2008 ILR (All) 659, Ram Sajiwan Maurya Vs. State of U.P. and others, Writ Petition No.3031 (S/S) of 2004 (decided on 12 August 2009), Kanti Devi Vs. State of U.P., 2009 (10) AJD 18, Kishan Singh Vs. State of U.P., 2009 (9) ADJ 516 & Awadh Bihari Shukla Vs. State of U.P., 2015 (6) ADJ 186 ].*

***22. From the judgments referred above, it is clear that the Courts has consistently held that the services rendered by an employee either as work charged employee or Seasonal Collection Amin are to be counted for granting the pensionary benefit to them, and the nomenclature of their appointment, be a daily wager, temporary or whatever, is not material to consider their claim for grant of pensionary and retiral benefits.***

*23. Further, it is also pertinent to mention that the petitioners* *have worked for decades as Seasonal Collection Amin discharging the same duty which has been discharged by the regular Collection Amin and have been extended same benefits which have been extended to the regular Collection Amin, therefore, in such factual scenario denying the petitioners the benefit of pension and other benefits which have been extended to Regular Collection Amin would not only be arbitrary but against the concept of the right to equality as enshrined in Article 14 of the Constitution of India.*

*24. In view of the above discussion and given the law elucidated by the Apex Court as well as by this Court in various pronouncements referred above,* ***the services rendered by the petitioners as Seasonal Collection Amin cannot be ignored for extending the benefits of pension and other retiral benefits to them on the pretext that their appointment is to be treated from the date of regularization and not from the date of their engagement as work charged employee.***

*25. Consequently,the writ petition is allowed. A writ of mandamus is issued to the respondent to compute pensionary benefit payable to the petitioners after taking into account their entire service including the service rendered by them as Seasonal Collection Amin. The amount payable to the petitioners shall be computed within three months from the date of presentation of a copy of this order downloaded from the official website of Allahabad High Court, and the same shall be paid within the next two months. The respondents shall also continue to pay current pensionary benefits as and when the same fell due. "*

21. Relying upon the aforesaid judgment of ***Kaushal Kishore Chaubey*** *(supra)*, another Coordinate Bench of this Court, in ***Rajendra Bahadur Singh*** *(supra)*, has also allowed the petition and directed the respondents to compute pensionary benefits payable to the petitioners after taking into account their entire service, including the services rendered by them as Seasonal Collection Amin.

22. In ***Prem Singh*** *(supra)*, the Apex Court has held as under:

> *"29. The submission has been urged on behalf of the State of Uttar Pradesh to differentiate the case between work-charged employees and regular employees on the ground that due procedure is not followed for appointment of work-charged employees, they do not have that much work pressure, they are unequal and cannot be treated equally, work-charged employees form a totally different class, their work is materially and qualitatively different, there cannot be any clubbing of the services of the work-charged employees with the regular service and vice versa, if a work-charged employee is treated as in the regular service it will dilute the basic concept of giving incentive and reward to a permanent and responsible regular employee.*
>
> *30. We are not impressed by the aforesaid submissions. The appointment of the work-charged employee in question had been made on monthly salary and they were required to cross the efficiency bar also. How their services are qualitatively different from regular employees? No material indicating qualitative difference has been pointed out except making bald statement. The appointment was not made for a particular project which is the basic concept of the work-charged employees. Rather, the very concept of work-charged employment has been misused by offering the employment on exploitative terms for the work which is regular and perennial in nature. The work-charged employees had been subjected to transfer from one place to another like regular employees as apparent from documents placed on record. In Narain Dutt Sharma v. State of U.P. [CA No.__2019 arising out of SLP (C) No. 5775 of 2018] the appellants were allowed to cross efficiency bar, after '8' years of continuous service, even during the period of work-charged services. Narain Dutt Sharma, the appellant, was appointed as a work-charged employee as Gej Mapak with effect from 15-9-1978. Payment used to be made monthly but the appointment was made in the pay scale of Rs*

*200-320. Initially, he was appointed in the year 1978 on a fixed monthly salary of Rs 205 per month. They were allowed to cross efficiency bar also as the benefit of pay scale was granted to them during the period they served as work-charged employees they served for three to four decades and later on services have been regularised time to time by different orders. However, the services of some of the appellants in few petitions/appeals have not been regularised even though they had served for several decades and ultimately reached the age of superannuation.*

*31. In the aforesaid facts and circumstances, it was unfair on the part of the State Government and its officials to take work from the employees on the work-charged basis. They ought to have resorted to an appointment on regular basis. The taking of work on the work-charged basis for long amounts to adopting the exploitative device. Later on, though their services have been regularised. However, the period spent by them in the work-charged establishment has not been counted towards the qualifying service. Thus, they have not only been deprived of their due emoluments during the period they served on less salary in work-charged establishment but have also been deprived of counting of the period for pensionary benefits as if no services had been rendered by them. The State has been benefitted by the services rendered by them in the heydays of their life on less salary in work-charged establishment.*

*32. In view of the Note appended to Rule 3(8) of the 1961 Rules, there is a provision to count service spent on work-charged, contingencies or non-pensionable service, in case, a person has rendered such service in a given between period of two temporary appointments in the pensionable establishment or has rendered such service in the interregnum two periods of temporary and permanent employment. The work-charged service can be counted as qualifying service for pension in the aforesaid exigencies.*

*36. There are some of the employees who have not been* *regularised in spite of having rendered the services for 30-40 or more years whereas they have been superannuated. As they have worked in the work-charged establishment, not against any particular project, their services ought to have been regularised under the Government instructions and even as per the decision of this Court in State of Karnataka v. Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] . This Court in the said decision has laid down that in case services have been rendered for more than ten years without the cover of the Court's order, as one-time measure, the services be regularised of such employees. In the facts of the case,* ***those employees who have worked for ten years or more should have been regularised. It would not be proper to regulate them for consideration of regularisation as others have been regularised, we direct that their services be treated as a regular one. However, it is made clear that they shall not be entitled to claiming any dues of difference in wages had they been continued in service regularly before attaining the age of superannuation. They shall be entitled to receive the pension as if they have retired from the regular establishment and the services rendered by them right from the day they entered the work-charged establishment shall be counted as qualifying service for purpose of pension****."*

23. In ***Uday Pratap Thakur*** *(supra),* the Apex Court has clarified the judgment of ***Prem Singh*** *(supra)* as under:

*"6.1 Rule 5(v) of the Rules, 2013 as such can be said to be beneficial to such work charged employees, whose services have been regularized subsequently. As per Rule 5(v), even if the minimum requirement of 10 years of service (qualifying service) for pension is not met, in that case also, the service rendered as a work charged to be added for qualifying service for pension. Therefore, the efforts have been made by the State Government to see that after rendering services for number of years as work charged, and thereafter, their services have been regularized, they may not be denied the pension on the ground that they have not completed the qualifying service for pension.*

*It also further provides that the benefits like pension & gratuity shall be counted by giving one year advantage against the five years services as work-charged employee. Therefore, Rule 5(v) as observed hereinabove, is beneficial also in favour of such work charged employees, whose services have been regularized subsequently, and they may not be deprived of the pension on the ground that they have not completed the qualifying service for pension. The denying of pension after rendering service as work charged for number of years on the ground that they have not completed the qualifying service can be said to be unfair and illegal and can be said to be exploitation. Therefore, to make such work charged employees eligible for pension, Rule 5(v) provides that if any work charged employee, whose services have been regularized under the Rules, 2013, is short of qualifying service, to the extent of such shortage of qualifying service, the services rendered as work charged to be counted for the purpose of qualifying service for pension. Under the circumstances, the Larger Bench of the High Court has rightly observed and held that for the purpose of pension, only such period from the work charged tenure would be added for making the service of an employee, who has been regularized to qualify him for pension.*

*6.2 Insofar as the submission on behalf of the appellants that their entire cannot be accepted. If the same is accepted, in that case, it would tantamount to regularizing their services from the initial appointment as work charged. As per the catena of decisions of this Court, there is always a difference and distinction between a regular employee appointed on a substantive post and a work charged employee working under work charged establishment. The work charged employees are not appointed on a substantive post. They are not appointed after due process of selection and as per the recruitment rules. Therefore, the services rendered as work charged cannot be counted for the purpose of pension / quantum of pension. However, at the same time, after rendering of service as work charged for number of years and thereafter when their services have been regularized, they cannot be denied the pension on* *the ground that they have not completed the qualifying service for pension. That is why, the service rendered as work charged is to be counted and/or considered for the purpose of qualifying service for pension, which is provided under Rule 5(v) of the Rules, 2013.*

*6.3 Now, insofar as the reliance placed upon the decision of this Court in the case of Prem Singh (supra) by the learned counsel appearing on behalf of the appellants is concerned, the reliance placed upon the said decision is absolutely misplaced. In the said case, this Court was considering the validity of Rule 3(8) of the U.P. Retirement Benefit Rules, 1961, under which the entire service rendered as work charged was not to be counted for qualifying service for pension. To that, this Court has observed and held that after rendering service as work charged for number of years in the Government establishment / department, denying them the pension on the ground that they have not completed the qualifying service for pension would be unjust, arbitrary and illegal. Therefore, this Court has observed and held that their services rendered as work charged shall be considered / counted for qualifying service. This Court has not observed and held that the entire service rendered as work charged shall be considered / counted for the quantum of pension / pension.* ***The decision of this Court in the case of Prem Singh (supra), therefore, would be restricted to the counting of service rendered as work charged for qualifying service for pension.services rendered as work charged should be considered and/or counted for the purpose of pension / quantum of pension is concerned, the same cannot be accepted. If the same is accepted, in that case, it would tantamount to regularizing their services from the initial appointment as work charged. As per the catena of decisions of this Court, there is always a difference and distinction between a regular employee appointed on a substantive post and a work charged employee working under work charged establishment.*** *The work charged employees are not appointed on a substantive post. They are not appointed after due process of selection and as per the recruitment rules.*

> ***Therefore, the services rendered as work charged cannot be counted for the purpose of pension / quantum of pension. However, at the same time, after rendering of service as work charged for number of years and thereafter when their services have been regularized, they cannot be denied the pension on the ground that they have not completed the qualifying service for pension. That is why, the service rendered as work charged is to be counted and/or considered for the purpose of qualifying service for pension, which is provided under Rule 5(v) of the Rules, 2013.***"

24. However, in ***Uday Pratap Thakur*** *(supra)*, the validity of the 2013 Rules of State of Bihar was in question, which has been upheld by the Apex Court.

25. In view of the judgements by the Apex Court in ***Prem Singh*** *(supra)* read with ***Uday Pratap Thakur*** *(supra)*, law is categorically settled that the previous services rendered by a Government servant prior to his regularisation as ad-hoc, work-charged, seasonal, temporary etc., is required to be counted for the purpose of determining the qualifying service for the pensionary benefits. However, so far as the computation of the pension etc. is required to be done only on the basis of the regular service rendered by such Government servant.

26. It is undisputed in the instant case that the petitioner has worked as Seasonal Collection Amin from 1984 till 28.02.1992 and thereafter, in terms of the interim order dated 25.02.1992, the petitioner was permitted to hold as ad-hoc Collection Amin till 08.01.2008. Though, thereafter the petitioner has not worked till 13.04.2012, when he was again re-engaged as Seasonal Collection Amin in terms of the direction of this Court and subsequent thereto, he was regularised with effect from 05.09.2016 as Collection Amin though on probation and later in November 2018, he was confirmed as Collection Amin and thereafter, he has attained the age of superannuation on 31.07.2019. Thus, for the purposes of calculating the qualifying service for pension i.e., minimum 10 years of service is concerned, the period of previous service before regularisation rendered by the petitioner as Seasonal Collection Amin or the ad-hoc Collection

Amin is required to be counted. If we will take into account the previous service of the petitioner w.e.f. 1984 till 2008 and from 2012 to 2016, then it can be safely concluded that the petitioner has attained the benchmark of 10 years qualifying service for the purpose of his eligibility for pensionary benefits and other retiral benefits. However, computation with regard to pension can be done only on the basis of the regular services rendered by the petitioner. Therefore, the pensionary benefits shall be granted to the petitioner only on the basis of the services rendered by the petitioner from 05.09.2016 till 31.07.2019. In such view of the matter, the respondents are directed to determine the retiral and pensionary benefits to the petitioner, holding the petitioner as eligible for pensionary benefits in view of the previous services rendered by the petitioner and so far as the quantum of pension and retiral dues is concerned, that will be calculated on the basis of the regular services rendered by the petitioner from 05.09.2016 till 31.07.2019.

27. In such view of the matter, the respondents are directed to calculate and pay all the retiral dues and sanction the pension to the petitioner in view of the aforesaid observation of this Court within a period of eight weeks from the date of communication of the certified copy of this order.

28. With the aforesaid observation, the instant **Writ Petition No. 20364 of 2019** is hereby ***disposed of***.

29. So far as the **Writ A No. 15905 of 2014** is concerned, wherein the petitioner had claimed for regularization, which was already granted to the petitioner on 05.09.2016, in such view of the matter, the said petition has become infructuous and the same is hereby ***dismissed as infructuous***.

**(Anish Kumar Gupta,J.)**

**August 31, 2026**
Shubham Arya