



न्यायालय मुख्य आयुक्त दिव्यांगजन

**COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)**  
 दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)  
 सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment  
 भारत सरकार/Government of India  
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**Case No. CCPD/14388/1024/2023**

**In the matter of:**

Ms. Shardaben w/o Shri Govind Bhai Shrimali

**...Complainant**

**Versus**

The Chairman, Central Water Commission

**...Respondent**

**RECORD OF PROCEEDINGS**

**1. Hearing:**

1.1 An online hearing through video conferencing was held on 25.04.2025. The following Parties/Representatives were present during the hearing:

| S. No. | Name and Designation of Party/Representative         | For the Complainant/Respondent | Mode of Attendance |
|--------|--|--------------------------------|--------------------|
|        | Ms. Shardaben and her Husband - Govind Bhai Shrimali | Complainant                    | Online             |
|        | Mr. Kaushil, EE, MD                                  | For Respondent                 | Online             |

**2. Proceedings During the Hearing:**

2.1 At the outset , the Court observed that it is not appropriate for a spouse to file a complaint on behalf of a government employee without proper authorization. This irregularity is further accentuated when the matter under examination is a service matter. Direct participation by the complainant ensures authenticity and upholds fair legal procedure.

2.2 The complainant stated that Shri Govind Bhai Shrimali has not received any pensionary benefits. He worked as a Khalasi from 1991 to 2008 and was denied continuation of service in 2009. Following his complaint, the CCPD directed his appointment, and he was given a permanent MTS post on 07.11.2015 at Palanpur. He served there until retiring on 31.05.2023, receiving all retirement benefits except the pension. He argues that the period from 2009 to 2015 should count toward pension eligibility. He also mentioned that Rs. 24,200 was recovered from him when his post was treated as temporary in 2020, but this amount was refunded after the post was restored to permanent in 2023.

2.3 The Court informed the Respondent that Shri Govindbhai was made permanent as MTS following CCPD Orders, and his temporary status was withdrawn in 2018. The Court then asked the Respondents the following:

- (a) The reasons for withdrawing the temporary status of the complainant's husband.
- (b) Eligibility of pensionary benefits and requirement to avail pension

2.4 The Respondent provided background on Khalasi services, stating they were typically hired temporarily during the monsoon, from June to October. He noted that the complainant served as a Khalasi from 1991 and was given temporary status in 1997. He argued that pensionary benefits should not be denied solely because the employment was temporary.

2.5 The Hon'ble Supreme Court, in Rajkaran Singh & Ors. vs. Union of India & Ors. (Civil Appeal No. 26761 of 2017, decided August 22, 2024), clarified that denying pensionary benefits to employees, even those employed on a temporary basis, is arbitrary and violates Articles 14 and

16 of the Constitution.

2.6 The Respondents further informed that other than pension, they had already paid all the retirement benefits, including service gratuity and retirement gratuity.

2.7 Regarding Shri Govindbhai's pension eligibility, the Respondent stated that his regular service from November 2015 to May 2023 totaled 7 years, 6 months, and 24 days. For the period from 1997 to 2008, relevant for promotion, only 543 days (approximately 1.5 years) were considered, as only half of this service was counted toward pension. As per pension rules, 10 years of service are required for eligibility, but Shri Govindbhai completed only 9 years and 18 days. Even for applying the round-off policy, a service of 9 years and 9 months is required for grant of pension. The Respondent also stated they informed Shri Govindbhai that his service duration was below the threshold of 9 years and 9 months required for pension eligibility.

2.8 The Respondent also referred to a notification (Annexure 2 to the reply), stating that Shri Govindbhai's 1997 appointment was temporary and did not confer seniority or benefits granted to regular appointees.

2.9 In response to the Court's inquiry, the Respondent confirmed maintaining a service book for Shri Govindbhai, though a copy has not been submitted. They added that service gratuity of Rs. 3,00,330 and retirement gratuity of Rs. 1,50,165 were paid. The Respondent clarified that only those not eligible for a pension receive a lump sum as service gratuity.

2.10 The Court directed the Respondent to submit the following documents within two weeks:

- (a) Certified copy of the Service book of the Complainant's husband
- (b) The calculation used by the Respondent to determine years of service for pension eligibility.
- (c) Details as to whether Service Gratuity (not Retiring Gratuity) was paid, which becomes applicable for employees who served for a period of 5 years or more but less than the qualifying service for

pension, i.e., a minimum of 20 six-monthly periods.

2.11 The Court observed it would decide on the complaint after reviewing the Respondent's documents. It also noted that a further hearing may be scheduled if necessary.

3. This is issued with the approval of the Commissioner for Persons with Disabilities.

**(P.P. Ambashtha)**  
Dy. Chief Commissioner