



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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011)20892364
 5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364
 Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No. 14388/1024/2023

Complainant:

Ms. Shardaben w/o Govindbhai Shrimali

Respondent:

The Chairman, Central Water Commission
 2nd Floor (South), Sewa Bhawan,
 R K Puram, New Delhi

1. Gist of the Complaint:

1.1 The Complainant, Ms. Shardaben, through her letter dated 07.08.2023, filed a complaint regarding the benefit of the "Scheme for Grant of Temporary Status and Old Pension" to her husband, Shri Govindbhai Shrimali, who is 100% visually impaired.

1.2 The Complainant stated that her husband had worked as a Seasonal Khalasi from 1991 to 2008 and, despite being called to join duty in 2009 and 2010, was allegedly not permitted to work due to his blindness. Although his name appeared at Serial No. 33 in the seniority list for regularisation in 2010, he alone was not regularised while others similarly placed were made permanent. Following repeated representations, he was regularised as a Multi-Tasking Staff with effect from 07.11.2015. The Complainant further submitted that while other Seasonal Khalasis who worked alongside her husband were granted temporary status from 1997 and covered under the Old Pension Scheme, these benefits were kept in abeyance in her husband's case through the departmental office order dated 09.03.2023. She, therefore, sought grant of temporary status and the benefits of the Old Pension Scheme to her husband..

2. Notice issued to the Respondents:

2.1 A notice dated 16.08.2023 was issued to the above mentioned Respondents

for forwarding to this Court comments on affidavit within the statutory time limit.

3. Reply made by the Respondent:

3.1 Executive Engineer, Mahi Division filed a reply dated 11.09.2023 and submitted that Shri G.K. Shrimali worked as a Seasonal Khalasi in Mahi Division from 1991 to 2008 but worked only for seven days in 2008 and did not work during the monsoon seasons of 2009 and 2010. It was stated that he could not be regularised as a permanent Khalasi as he did not produce the requisite medical certificate prescribed under the applicable rules. The Respondent further stated that he was subsequently appointed as Multi-Tasking Staff under the PwD (100% blindness) category and joined service on 07.11.2015.

3.2 The Respondent further submitted that although temporary status was granted to all Seasonal Work Charged Employees in 2017, Shri Shrimali's temporary status was later cancelled, resulting in recovery of arrears paid after pay fixation. However, his temporary status was subsequently restored by the cadre controlling authority. It was stated that following restoration, his pay required revision and, after pay fixation and service verification by the Pay and Accounts Office, necessary action regarding pension and other consequential benefits would be taken. The matter was stated to be under process.

4. Rejoinder filed by the Complainant:

4.1 The Complainant submitted her rejoinder dated 27.09.2023 and stated that she does not agree with the reply submitted by the Respondent .

5. Status Report from the Respondents:

5.1 The Respondents filed their status report via email dated 24.04.2025 and stated that Smt. Shardaben, wife of former CWC employee Shri Govindbhai Kalubhai Shrimali, requested the reinstatement of her husband's temporary status and the refund of a recovered ₹24,440 arrear payment. Having served as a Seasonal Khalasi between 1991 and 2008 and later as a Multi-Tasking Staff (MTS) under the PWD category from November 7, 2015, until his retirement on May 31, 2023, Shri Shrimali had his temporary status initially cancelled in October 2018. However, following representations made by his family, the Superintending Engineer of the Hydrological Observation Circle, CWC, Gandhinagar directed the restoration of his temporary status and associated retirement benefits on August 23, 2023, leading the Mahi Division to release a total of ₹7,86,669 in benefits, including Retirement Gratuity, Service Gratuity, Leave Encashment, and CGEGIS.

6. Hearing (I):

6.1 A hearing through video conferencing was held on 25.04.2025 and the following Parties/Representatives were present:

1. Ms. Shardaben and her Husband – Govind Bhai Shrimali
2. Mr. Kaushil, Executive Engg. (MD) - Respondent

7. Record of Proceedings:

7.1 The Court observed that, in a service matter, it was not appropriate for the spouse of a government employee to file a complaint without proper authorisation, as the concerned employee should ordinarily participate in the proceedings. The Complainant submitted that her husband, a 100% visually impaired employee, had worked as a Seasonal Khalasi from 1991 to 2008 and was regularised as MTS only in 2015, and contended that his service from 2009 to 2015 should also be counted for pension. She further stated that he retired on 31.05.2023 after receiving all retirement benefits except pension.

7.2 The Respondent submitted that the employee did not complete the minimum 10 years of qualifying service required for pension and had therefore been paid only the admissible retirement benefits, including service gratuity and retirement gratuity, in accordance with the applicable rules. Referring to the Supreme Court's judgment in *Rajkaran Singh & Ors. vs. Union of India & Ors.* (2024), the Court directed the Respondent to produce the employee's service book, detailed pension calculations, and clarification regarding the grant of service gratuity within two weeks.

8. Hearing (II):

8.1 A hearing through video conferencing was held on 13.05.2026 and following Parties/Representatives were present:

1. Ms. Shardaben and her Husband – Govind Bhai Shrimali
2. Mr. Kaushil, EE, MD - Respondent

8.2 The Complainant submitted that he had not been granted pension despite his long service and stated that his earlier service should be considered while determining his pension eligibility. He referred to his regularisation in 2015 and sought consideration of all relevant service records in support of his claim. He also indicated that he had received retirement benefits other than pension and was

directed to submit all documents relating to his appointment, regularisation, and service to substantiate his case.

8.3 The Respondent submitted that all admissible retirement benefits, including service gratuity, retirement gratuity, leave encashment, insurance benefits, and other dues, had already been paid to the Complainant. It was contended that pension had not been sanctioned because the Complainant did not complete the minimum qualifying service of ten years as required under the applicable rules.

8.4 The Court sought clarification regarding the Complainant's pension eligibility, the qualifying service calculations, and the retirement benefits already disbursed. It directed the Respondent to furnish complete records, including the service book, calculation of qualifying service, proof of regularisation, and details of disbursement of retirement benefits, if not already submitted.

9. Observations and Recommendations:

6.1 The Court notes that the Respondents have denied the pensionary claim on the ground that Late Shri Govindbhai Kalubhai Shrimali did not possess the requisite qualifying service. However, the service record indicates that he had rendered service as a Seasonal Khalasi prior to his appointment/regularisation as MTS and that his temporary status was subsequently stated to have been restored. Therefore, the question whether any part of such earlier service is reckonable for pensionary benefits requires examination in accordance with the applicable Government rules and instructions.

6.2 The Government of India had issued the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1993, vide DoPT O.M. No. 51016/2/90-Estt.(C) dated 10.09.1993. The subsequent DoPT O.M. No. 49014/2/2014-Estt.(C) dated 26.02.2016 clarified that 50% of the service rendered under temporary status by casual labourers covered under the 1993 Scheme and subsequently regularised in accordance with the Scheme shall count for retirement benefits. DoPT O.M. No. 49014/2/2014-Estt.(C) dated 28.07.2016 further clarified the applicability of GPF and the Old Pension Scheme to such covered casual labourers even where regularisation took place on or after 01.01.2004.

6.3 The aforesaid benefit, however, is subject to the employee being covered by the 1993 Scheme and fulfilling the conditions prescribed therein. Mere engagement as a Seasonal Khalasi, casual worker or daily-rated worker does not, by itself, establish entitlement to counting of such service for pension. Accordingly, the Respondents are required to examine the original service records of Late Shri

Shrimali and determine whether he was covered by the 1993 Scheme and whether temporary status was validly conferred upon him, including the effect of its subsequent restoration.

6.4 The Respondents shall accordingly undertake a fresh examination of the pensionary claim of Late Shri Govindbhai Kalubhai Shrimali and specifically determine:

- (i) whether he was in employment on 10.09.1993 and fulfilled the eligibility conditions under the 1993 Scheme;
- (ii) whether and from which date temporary status was conferred upon him and the effect of its subsequent restoration;
- (iii) the period of temporary-status service, if any, reckonable for retirement benefits;
- (iv) whether any portion of his pre-regularisation service is otherwise reckonable under any applicable Government rule/instruction; and
- (v) his total qualifying service and consequential entitlement, if any, to pension and other pensionary benefits.

6.5 The Respondents shall pass a reasoned and speaking order after examination of the complete service record, including his engagement as Seasonal Khalasi, temporary-status records, restoration order, subsequent appointment/regularisation as MTS and retirement benefits already released.

6.6 The aforesaid exercise shall be completed within eight weeks from the date of receipt of this Order. An Action Taken Report, enclosing the speaking order and the calculation of qualifying service, shall be submitted to this Court within ten weeks from the date of receipt of this Order.

6.7 The Court clarifies that this Order does not, at this stage, hold that the entire period of service rendered by Late Shri Shrimali as Seasonal Khalasi is reckonable as qualifying service. Equally, the Respondents' existing conclusion regarding insufficient qualifying service shall not be treated as conclusive until the aforesaid examination is undertaken in accordance with the applicable rules and Government instructions.

7. Accordingly, the complaint is disposed of.

Digitally signed by
S Govindaraj
Date: 05-10-2026
10:53:02

(S. Govindaraj)

Commissioner for Persons with Disabilities