

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (S) No. 162 of 2011

1. Vasheer Mohamad, S/o Late Rungu Mohamad, aged 61 years, Village and Post Khandsara, Teh. Bemetara, Dist. Durg (C.G.)
2. Budhari Ram Sahu, S/o Late Sri Siya Ram Sahu, aged 62 years, Village Bada Jhal, Post Gadamore, Teh. Navagarh, Distt. Durg (C.G.)
3. Kapil Singh Nirmalkar, S/o Sri Dariyal Singh, aged 60 years, Vill. & Post Bemetara, Distt. Durg

---- Petitioners

Versus

1. State Of Chhattisgarh through Secretary, Water Resource Department, D.K.S. Bhawan Mantralaya, Raipur (C.G.)
2. Engineering in Chief, Water Resources Department, Raipur (C.G.)
3. Chief Engineer, Mahanadi Godavari Kachhar, Water Resources Department, Raipur
4. Sub Divisional Officer (E & M), Light Machinery, Nalkoop & Gate, Sub Division Bemetara, Dist. Durg (C.G.)

---- Respondents

For Petitioners	Shri Sunil Otvani, Advocate
For Respondent/State	Ashutosh Pandey, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

28/04/2015

1. Learned counsel for the petitioners would submit that the petitioners were the employees of work charged and contingency paid establishment, having been earlier appointed as daily wager and thereafter attained the status of temporary employees, in accordance

with the Chhattisgarh (Work-Charged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'). The petitioners were regularized in the month of August, 2008 and thereafter they retired on 28.2.2009, 30.9.2010 & 31.7.2010, respectively.

2. Learned counsel for the petitioners would further submit that the petitioners' past service, prior to the date of regularization, is not counted for the purposes of granting pension and as such, they have been declared ineligible for pension. Learned counsel would refer to the order passed by the Division Bench of this Court decided on 26-2-2015 in Writ Appeal No.281/13 and other connected matters, wherein this Court has held that in view of the State Government's instructions dated 2-3-2005, the petitioners temporary service be taken into account to reckon pensionable service and the appellants of the said writ appeals were held entitled to pension under the Rules, 1979.
3. Learned counsel for the respondents would not dispute the legal decision as has been laid down by the Division Bench.
4. In view of the above, the writ petition is disposed of with a direction that on fresh representations being filed by the petitioners within a period of four weeks, the respondents shall decide petitioners' entitlement to pension, in accordance with the law laid down by this Court in Writ Appeal No.281/13 within a further period of three months.

JUDGE