

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1131 of 2011**

- Basanti Bai, D/o Late Shri Sakharam, Age 63 years, Occupation – Retired as Permanent Gangman, R/o Behind Bharat Mata School, Tatibandh, Raipur, District – Raipur (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through its Secretary, Department of Public Works, Mantralaya, DKS Bhawan, Raipur (CG)
2. Executive Engineer, PWD Department, Division No.2, Raipur, (CG)
3. Sub Divisional Officer, PWD Department, Division No.2, Distt. Raipur, (CG)

---- Respondents**And****WPS No. 1133 Of 2011**

- Azimuddin, S/o Late Shri Naimuddin, Age 62 years, Occupation - Retired Permanent Gangaman, R/o Kota Ward No.12, Raipur, District – Raipur (CG)

---- Petitioner**Vs**

1. State of Chhattisgarh, Through its Secretary, Department of Public Works, Mantralaya, DKS Bhawan, Raipur (CG)
2. Executive Engineer, PWD, Vidhan Sabha Division, Raipur, (CG)
3. Sub Divisional Officer, Sub Division-II, PWD, Distt. Raipur, (CG)

---- Respondents**And****WPS No. 1132 Of 2011**

- Parwati Bai, D/o Late Shri Maniram, Age 63 years, Occupation-Retired

as Permanent Gangman, R/o Shyam Nagar, Raipur, District – Raipur (CG)

---- Petitioner

Vs

1. State of Chhattisgarh, Through its Secretary, Department of Public Works, Mantralaya, DKS Bhawan, Raipur (CG)
2. Executive Engineer, PWD Department, Division No.2, Raipur, (CG)
3. Sub Divisional Officer, PWD Department, Division No.2, Raipur, Distt. Raipur, (CG)

---- Respondents

And

WPS No. 1136 Of 2011

1. Santosh Sen, S/o Late Dheluram, Age about 25 years, R/o Laxmi Nagar, Mova, Tehsil and District – Raipur (CG)
2. Smt. Chandra Sen, W/o Ratan Sen, Age about 45 years, R/o Village – Pavni, Saragaon, District – Raipur (CG)
3. Smt. Meena Sen, W/o Mithilesh Sen, Age about 40 years, R/o Village Farfod (Bhansog) Tehsil – Aarang, District – Raipur (CG)
4. Smt. Sakun, W/o late Ramsingh Sen, Age about 35 years, R/o Laxmi Nagar, Mova, Tehsil and District – Raipur (CG)
5. Smt. Bitawan Bai, W/o Arun Rajal, Age About 30 years, R/o Laxmi Nagar, Mova, Tehsil and District Raipur (CG)

---- Petitioners

Vs

1. State of Chhattisgarh, through its Secretary, Department of Public Works, Mantralaya, DKS Bhawan, Raipur (CG)
2. Executive Engineer, PWD Department, Division No.1, Raipur, (CG)
3. Sub Divisional Officer, PWD Department, Division No.1, Raipur, District Raipur (CG)

---- Respondents

And

WPS No. 1134 Of 2011

- Chaiti Bai, D/o Late Shri Dasrath, Age 63 years, Occupation - Retired as Permanent Gangman, R/o Behind Shri Krishna Goshala, Rajaendra Nagar, Raipur, District – Raipur (CG)

---- Petitioner

Vs

1. State of Chhattisgarh, through its Secretary, Department of Public Works, Mantralaya, DKS Bhawan, Raipur, (CG)
2. Executive Engineer, PWD Department, Division No.1, Raipur, (CG)
3. Sub Divisional Officer, PWD Department, Division No.1, Raipur, Distt. Raipur (CG)

---- Respondents

And

WPS No. 1135 Of 2011

- Khemu Ram Sahu, S/o Late Shri Manohar, Age 63 years, Occupation – Retired as Permanent Gangman, R/o Telibandha, Puraina, District – Raipur, (CG)

---- Petitioner

Vs

1. State of Chhattisgarh, through its Secretary, Department of Public Works, Mantralaya, DKS Bhawan, Raipur (CG)
2. Executive Engineer, PWD Department, Division No.2, Raipur, (CG)
3. Sub Divisional Officer, PWD Department, Division No.2, Raipur, Distt. Raipur (CG)

---- Respondents

For Petitioners : Shri Yogesh Pandey, Advocate.

For Respondents : Shri YS Thakur, Deputy Advocate General.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/06/2015

1. Learned counsel for the petitioners would submit that the petitioners were the employee of work charged and contingency paid establishment, having been earlier appointed as daily wager and thereafter attained the status of temporary employee, in accordance with the Chhattisgarh (Work-Charged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979').
2. Learned counsel for the petitioners would further submit that the petitioners' past services, prior to the date of regularization, are 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, 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 position as has been laid down by the Division Bench, however, he would submit that the State is considering to file a review petition.

4. In view of the above, the writ petitions are disposed of with a direction that on fresh representation 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, subject to verification of facts or any other order passed by the Division Bench or the Supreme Court on the issue.

J U D G E

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