

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6561 of 2014

- Radheshyam S/O Late Shri Chhedu, Aged About 62 years, Retired From The Post Of Work Charge Gangmen, Labour, Under National Highway P.W.D. Sub Division Bilaspur P.S. Bilaspur, Civil & Revenue Distt. Bilaspur (C.G.) Presently Residing At Nagar Panchayat Sargaon Ward No. 15, P.S. Hirri Distt. Mungeli (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, Public Works Department, Mahanadi Bhawan, Naya Raipur, Distt. Raipur (C.G.)
2. Executive Engineer, Public Works Department, National Highway, Division Bilaspur, Distt. Bilaspur (C.G.)
3. Sub Divisional Officer, Public Works Department, National Highway Sub Division, Bilaspur, Distt. Bilaspur (C.G.)
4. Joint Director, Treasury Accounts & Pension, Bilaspur, Distt. Bilaspur (C.G.)

---- Respondents

For Petitioner	: Shri A.S. Rajput, Advocate
For Respondent/State	: Shri Majid Ali, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/04/2015

1. Heard learned counsel for the petitioner.
2. Learned counsel for the petitioner would submit that the petitioner was 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'). The petitioner was regularized in the month of September, 2008 and thereafter he retired on 31/03/2013.
3. Learned counsel for the petitioner would further submit that the petitioner's

past service, prior to the date of regularization, is not counted for the purposes of granting pension and as such, he has been declared ineligible for pension. Learned counsel would refer to the order passed by the Division Bench of this Court decided on 26/02/2015 in Writ Appeal No. 281/2013 and other connected matters, wherein this Court has held that in view of the State Government's instructions dated 02/03/2005, the petitioners temporary service be taken into account to reckon pensionable service and the appellants of the said appeals were held entitled to pension under the Rules, 1979.

4. Learned counsel for the respondents would not dispute the legal decision as has been laid down by the Division Bench.

5. In view of the above, the writ petition is disposed of with a direction that on fresh representation being filed by the petitioner within a period of four weeks, the respondents shall decide petitioner's entitlement to pension, in accordance with the law laid down by this Court in Writ Appeal No. 281/2013 within a further period of three months.

JUDGE