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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1332 of 2015

- Mahesh Kumar Singh S/o Top Nath Singh Aged About 69 years R/o Post And Village Chal, Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh
2. Executive Engineer, Public Works Department, Raigarh, District Raigarh, Chhattisgarh
3. Sub Divisional Officer, Public Works Department, Sub Division Kharsiya, District Raigarh, Chhattisgarh
4. Joint Director, Treasury, Accounts And Pension, Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

And

WPS No. 1335 Of 2015

- Sahdev Ram S/o Rati Ram Aged About 53 years R/o Sohga, P.S. Darima, Ambikapur, District Sarguja, Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhaawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Executive Engineer, Public Works Department, Ambikapur, District Sarguja, Chhattisgarh
3. Sub Divisional Officer, Public Works Department, Sub Division No. 2 Ambikapur, District Sarguja, Chhattisgarh
4. Joint Director, Treasury, Accounts And Pension, Ambikapur, District Sarguja, Chhattisgarh

---- Respondents

And

WPS No. 1337 Of 2015

- Jagatpal, S/o Motiram, Aged About 62 years, R/o Village Motipur, Post Darima, P.S. Darima, Ambikapur, District Sarguja, Chhattisgarh

---- Petitioner**Vs**

1. State of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Executive Engineer, Public Works Department, Ambikapur, District Sarguja, Chhattisgarh
3. Sub Divisional Officer, Public Works Department, Sub Division No.2 Ambikapur, District Sarguja, Chhattisgarh
4. Joint Director, Treasury, Accounts And Pension, Ambikapur, District Sarguja, Chhattisgarh

---- Respondents

For Petitioners	:	Shri C.Jayant K. Rao, Advocate
For Respondent/State	:	Shri Shashank Thakur, GA for the State.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board By****20/04/2015**

Heard learned counsel for the petitioners.

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 30.11.2009, 31.1.2012 & 1.1.2015, 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, all the writ petitions are 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

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