

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1499 of 2015

- Manbodh Verma D/o Late Deep Singh Aged About 65 years, retired Gang Man, Public Works Department, Khairagarh, District- Rajnandgaon (C.G.) R/O- Village- Dumardih, Post- Etar, P.S. - Gatapar, Tahsil- Khairagarh, Civil And Revenue District- Rajnandgaon (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Mahanadi Bhawn New Raipur, District Raipur (C.G.)
2. Engineer In Chief (B/R), Public Works Department, Mahanadi Bhawan New Raipur, District Raipur (C.G.)
3. Executive Engineer, Public Works Department (B/R), Division Khairagarh, District- Rajnandgaon (C.G.)
4. Sub Divisional Officer, Public Works Department (B/R), Sub Division Khairagarh, District- Rajnandgaon (C.G.)

---- Respondents

For Petitioner	: Shri F.S. Khare, Advocate
For Respondent/State	: Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

29/04/2015

1. Heard learned counsel for the petitioner.
2. Learned counsel for the petitioner would submit that the petitioner was the employees 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 August, 2008 and thereafter he retired on 30/06/2012.

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.

J U D G E