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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1611 of 2015

- Sadanand Nayak S/o Chait Ram, Aged About 65 years R/o Village Post & P.S. Baramkela, Tahsil Baramkela Civil & Revenue District, Raigarh Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh, Through The Chief Secretary, Public Works Department, Mantralaya, Rakhi, New Raipur Chhattisgarh
- The Engineer-In-Chief, Public Works Department, Government Of Chhattisgarh, Near Raj Bhawan, Raipur District Raipur Chhattisgarh
- The Superintending Engineer, Public Works Department, Raipur Division, Raipur, District Raipur Chhattisgarh
- The Executive Engineer, Public Works Department , Tahsil and Division Raigarh, District Raigarh Chhattisgarh
- The Sub Divisional Engineer, Public Works Department, Sarangarh, Tahsil Sarangarh, District Raigarh Chhattisgarh

---- Respondents

WPS No. 1612 OF 2015

- Rishikesh Gupta S/o Mukund Ram Gupta, Aged About 63 years R/o Madhuban Para, P.S.,- City Kotwali, Civil & Revenue District- Raigarh- (Chhattisgarh)

---- Petitioner

Vs

- State Of Chhattisgarh Through- The Chief Secretary, Public Works Department, Mantralaya, Rakhi, New Raipur- (Chhattisgarh)
- The Engineer-In- Chief, Public Works Department, Government Of Chhattisgarh, Near Raj Bhawan, Raipur, District Raipur- (Chhattisgarh)
- The Superintending Engineer, Public Works Department, Raipur Division, Raipur, Dist. Raipur (Chhattisgarh)

- The Executive Engineer, Public Works Department, Tahsil And Division Raigarh, District- Raigarh- (Chhattisgarh)
- The Sub Divisional Engineer, Public Works Department, Tahsil & District- Raigarh- (Chhattisgarh)

---- Respondent

WPS No. 1628 OF 2015

- Lachhi S/o Ratthu, Aged About 65 years, R/o Village Post & P.S. Baramkela, Tehsil Baramkela, Civil & Revenue District Raigarh Chhattisgarh

---- Petitioner

Vs

- State of Chhattisgarh Through The Chief Secretary, Public Works Department, Mantralaya, Rakhi, New Raipur (C.G.)
- The Engineer-In- Chief, Public Works Department, Government Of Chhattisgarh, Near Raj Bhawan, Raipur, District Raipur- (Chhattisgarh)
- The Superintending Engineer, Public Works Department, Raipur Division, Raipur, Dist. Raipur (Chhattisgarh)
- The Executive Engineer, Public Works Department, Tahsil And Division Raigarh, District- Raigarh- (Chhattisgarh)
- The Sub Divisional Engineer, Public Works Department, Sarangarh, Tahsil Sarangarh, District Raigarh Chhattisgarh

---- Respondents

WPS No. 1626 OF 2015

- Smt. Yashoda Sahu W/o Raghunath Sahu, Aged About 45 years R/o Village Janakpur, Post P.S. & Tahsil - Baramkela, Civil & Revenue District Raigarh Chhattisgarh

---- Petitioner

Vs

- State Of Chhattisgarh Through The Chief Secretary, Irrigation Department, Mantralaya, Rakhi, New Raipur Chhattisgarh
- The Engineer-In- Chief, Irrigation Department, Government Of

Chhattisgarh, Raipur, District Raipur- (Chhattisgarh)

- The Superintending Engineer, Irrigation Department, Bilaspur, Division Bilsapur, District Bilaspur (C.G.)
- The Executive Engineer, Irrigation Department, Tahsil And Division Raigarh, District- Raigarh- (Chhattisgarh)
- The Sub Divisional Engineer Irrigation Department, Baramkela, Tahsil Baramkela, District Raigarh Chhattisgarh

---- Respondent

WPS No. 1616 OF 2015

- Smt. Jodha Bai Yadav W/o Jailal Yadav, Aged About 60 years, R/o Village Beirdih, Post P.S. & Tahsil Baramkela Civil & Revenue District Raigarh Chhattisgarh

---- Petitioner

Vs

- State Of Chhattisgarh Through The Chief Secretary, Irrigation Department, Mantralaya, Rakhi, New Raipur Chhattisgarh
- The Engineer-In- Chief, Irrigation Department, Government Of Chhattisgarh, Raipur, District Raipur (C.G.)
- The Superintending Engineer, Irrigation Department, Bilaspur, Division Bilaspur, District Bilaspur (C.G.)
- The Executive Engineer, Irrigation Department, Tahsil And Division Raigarh, District- Raigarh- (Chhattisgarh)
- The Sub Divisional Engineer Irrigation Department, Baramkela, Tahsil Baramkela, District Raigarh Chhattisgarh

---- Respondent

And

WPS No. 1614 OF 2015

- Padman S/o Amar Aged About 68 years R/o Village Godam, Post & P.S. Sarangarh, Tahsil Sarangarh, Civil & Revenue District Raigarh Chhattisgarh

---- Petitioner

Vs

- State Of Chhattisgarh Through The Chief Secretary, Public Works Department, Mantralaya, Rakhi, New Raipur Chhattisgarh
- The Engineer-In- Chief, Public Works Department, Government Of Chhattisgarh, Near Raj Bhawan, Raipur, District Raipur- (Chhattisgarh)
- The Superintending Engineer, Public Works Department, Raipur Division, Raipur, Dist. Raipur (Chhattisgarh)
- The Executive Engineer, Public Works Department, Tahsil And Division Raigarh, District- Raigarh- (Chhattisgarh)
- The Sub Divisional Engineer, Public Works Department, Sarangarh, Tahsil Sarangarh, District Raigarh Chhattisgarh

---- Respondents

For Petitioners
For Respondent/State

Mr. Rakesh Anthony, Advocate
Mr. Shashank Thakur, Government
Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

10/08/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. 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 wagers 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').
3. 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, petitioner's 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.

4. Learned State counsel would not dispute the decision rendered by the Division Bench, however, he would submit that the State Government has preferred Review Petition No.61/2015 before the Division Bench in which, notices have been issued to the other side. He would submit that based on the outcome of the review petition, the matter shall be considered by the competent authority.

5. In view of the above, the writ petitions are disposed of with a direction that on fresh representations being filed by the petitioners, within a period of 4 weeks, the respondents shall decide the petitioners' entitlement to pension, depending upon and after the outcome of Review Petition No.61/2015.

Sd/-

Judge

(Prashant Kumar Mishra)