

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1983 of 2015

Arjun Kanwar, S/o Late Baratu, aged about 65 years, Retired Gang Man, Public Works Department, Sub Division Akalatara, District Janjgir-Champa (C.G.) at present R/o Village & Post - Katnai P.S. & Tahsil Akaltara, Civil & Revenue District Rajnandgaon (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Mahanadi Bhawan New Raipur, District Raipur, Chhattisgarh
2. Engineer in Chief (B/R) Public Works Department, Mahanadi Bhawan New Raipur, District Raipur, Chhattisgarh
3. Executive Engineer, Public Works Department (B/R), Division Janjgir, District Janjgir-Champa, Chhattisgarh
4. Sub Divisional Officer, Public Works Department (B/R), Sub Division Akaltara, District Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	Shri F.S. Khare, Advocate
For Respondent/State	Shri A.V. Shridhar, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/06/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
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 on 23-8-2008 and thereafter retired on 31.03.2012.

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 26-2-2015 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 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 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.281/13 within a further period of three months.

JUDGE