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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2198 of 2015

Ajwa S/o Indarman Kannouje Aged About 63 years, Residence Of Village Devri, P.S. Palari, Tahsil Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer, Mahanadi Pariyojna, Water Resources Department, Raipur, District Raipur, Chhattisgarh.
3. Sub Divisional Officer, Water Resource Executive, Sub Division No. 6, Baloda Bazar, District Baloda Bazar- Bhatapara, Chhattisgarh.
4. Joint Director, Treasury, Accounts And Pension, Raipur, Chhattisgarh.

---- Respondents

And

WPS No. 2199 Of 2015

Sheik Shamim Khan, S/o Sheik Karim Khan, Aged About 63 years, R/o Pandripani, Post- Bhilaigarh, Distt. Baloda Bazar-Bhatapara (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. Chief Engineer, Mahanadi Pariyojna, Water Resources Department, Raipur, Distt. Raipur (Chhattisgarh)
3. Executive Engineer, Water Resources Department, Kasdole, Distt. Baloda Bazar-Bhatapara (Chhattisgarh)
4. Joint Director Treasury, Accounts And Pension, Raipur (Chhattisgarh)

---- Respondents

And

WPS No. 2207 Of 2015

Smt. Samarin W/o Samme Singh, Aged About 64 years Residence Of Village Devtarai, Post Navagaon, Kasdole, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Sub Divisional Officer, Public Works Department, Sub Division Kasdole, District Baloda Bazar- Bhatapara, Chhattisgarh.
3. Joint Director, Treasury, Accounts And Pension, Raipur, Chhattisgarh.

---- Respondents

And

WPS No. 2208 Of 2015

Sadhmati Yadav W/o Late Mehtaru Ram Yadav Aged About 45 years Residence Of Village Giroudpuri, Block Kasdole, Baloda Bazar, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Chief Engineer, Mahanadi Pariyojna, Water Resources Department, Raipur, District Raipur, Chhattisgarh.
3. Executive Engineer, Water Resources Department, Kasdole, District Baloda Bazar- Bhatapara, Chhattisgarh.
4. Joint Director, Treasury, Accounts And Pension, Raipur, Chhattisgarh.

---- Respondents

And

WPS No. 2209 Of 2015

Smt. Janki Bai W/o Chattu Ram Aged About 52 years Residence Of Kasdole (Bazarpara) Block Kasdole, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Sub Divisional Officer, Public Works Department, Sub Division Kasdole, District Baloda Bazar- Bhatapara Chhattisgarh.
3. Joint Director, Treasury, Accounts And Pension, Raipur, Chhattisgarh.

---- Respondents

And

WPS No. 2210 Of 2015

Smt. Kecti Bai W/o Budhudas Aged About 59 years Residence Of Village Kotiyadih, Post Mohtara (Ha), Block Kasdole, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Chief Engineer, Mahanadi Pariyojna, Water Resources Department, Raipur, District Raipur, Chhattisgarh.
3. Executive Engineer, Water Resources Department, Kasdole, District Baloda Bazar- Bhatapara, Chhattisgarh.
4. Joint Director, Treasury, Accounts And Pension, Raipur, Chhattisgarh.

---- Respondents

And

WPS No. 2211 Of 2015

Smt. Dasrit Bai W/o Late Gorelal, Aged About 49 years R/o Village- Mohtara (Kha), Kasdole, Distt. Baloda Bazar-Bhatapara (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through- Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. Sub-Divisional Officer Public Works Department, Sub Division Kasdole, Distt. Baloda Bazar-Bhatapara (Chhattisgarh)

3. Joint Director Treasury, Accounts And Pension, Raipur (Chhattisgarh)

---- Respondents

And

WPS No. 2212 Of 2015

Smt. Neera Bai Yadav W/o Late Vishambar Aged About 65 years R/o
Lochan Nagar, Raigarh, Distt. Raigarh (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through- Secretary, Water Resources
Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt.
Raipur (Chhattisgarh)
2. Chief Engineer Water Resources Department, Raipur, Distt. Raipur
(Chhattisgarh)
3. Sub Divisional Officer Water Resources Department, Sub Division,
Raigarh, Distt. Raigarh (Chhattisgarh)
4. Joint Director Treasury, Accounts And Pension, Bilaspur (Chhattisgarh)

---- Respondents

And

WPS No. 2214 Of 2015

Ramduitt S/o Pitambar Aged About 64 years R/o Village- Hasuwa,
Block- Kasdole, Distt. Baloda Bazar-Bhatapara (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through- Secretary, Public Works Department,
Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur
(Chhattisgarh)
2. Sub Divisional Officer Public Works Department, Sub Division,
Kasdole, Distt. Baloda Bazar-Bhatapara (Chhattisgarh)
3. Joint Director Treasury, Accounts And Pension, Raipur (Chhattisgarh)

---- Respondents

And

WPS No. 2217 Of 2015

Dhani Ram Sahu S/o Firtu Ram Sahu Aged About 65 years Residence Of Village Hasuwa, Block Kasdole, District Baloda Bazar-Bhatapara, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Sub Divisional Officer, Public Works Department, Sub Division Kasdole, District Baloda Bazar- Bhatapara, Chhattisgarh.
3. Joint Director, Treasury, Accounts And Pension, Raipur, Chhattisgarh.

---- Respondents

And

WPS No. 2218 Of 2015

Chedu Ram S/o Jhuru Ram Aged About 63 years Residence Of Village Mohtara (Ka.) Tahsil Kasdole, District Baloda Bazar, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Sub Divisional Officer, Public Works Department, Sub Division Kasdole, District Baloda Bazar- Bhatapara, Chhattisgarh.
3. Joint Director, Treasury, Accounts And Pension, Raipur, Chhattisgarh.

---- Respondents

For Petitioners	Shri Kamleshwar Prasad Sahu, Advocates
For Respondent/State	Shri P. K. Bhaduri, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

25/06/2015

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 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').
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, the petitioners' temporary services 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 position as has been laid down by the Division Bench. He would submit that the State is considering to file a review petition before the Division Bench.
5. In view of the above, all the writ petitions are disposed of with a direction that on fresh representation 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, subject to verification of facts or any other order passed by the Division Bench or the Supreme Court on the issue within a further period of three months.

Sd/-

(PRASHANT KUMAR MISHRA)

JUDGE

Nirala