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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2264 of 2015**

- Shivnath, son of Mansai, aged about 63 years, residence of Karabel, Tahsil Sitapur, Post and P.S. Sitapur, District Sarguja 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, Ambikapur, District Sarguja Chhattisgarh
3. Sub Divisional Officer, Public Works Department, Sitapur, District Sarguja, Chhattisgarh
4. Joint Director, Treasury, Accounts and Pension, Ambikapur, District Sarguja, Chhattisgarh

---- Respondents**And****WPS No. 2265 Of 2015**

- Balbodh Yadav, son of Krit Narayan Yadav, aged about 65 years, residence of Aamatoli, Post and P.S. Sitapur, 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. Joint Director, Treasury, Accounts and Pension, Ambikapur, District Sarguja, Chhattisgarh

---- Respondents**And****WPS No. 2266 Of 2015**

- Goran Ram, son of Tigaram, aged about 64 years, residence of Karabel,

Tahsil Sitapur, Post and P.S. Sitapur, 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, Sitapur, District Sarguja, Chhattisgarh
4. Joint Director, Treasury, Accounts and Pension, Ambikapur, District Sarguja, Chhattisgarh

---- **Respondents**

And

WPS No. 2268 Of 2015

- Manglu, Son of Tholma, aged about 64 years, residence of Gadabahari, Tahsil Sitapur, Post and P.S. Sitapur, 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, Sitapur, District Sarguja, Chhattisgarh
4. Joint Director, Treasury, Accounts and Pension, Ambikapur, District Sarguja, Chhattisgarh

---- **Respondents**

For Petitioners	:	Shri Harish Khuntiya, Advocate
For Respondents/State	:	Shri PK Bhaduri, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

29/06/2015

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 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'). The petitioners were regularized in the year 2008 and retired thereafter.
2. Learned counsel for the petitioners would further submit that the petitioners' past services, 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, 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, subject to verification of facts or any other order passed by the Division Bench or the Supreme Court on the issue.

Sd/-

(Prashant Kumar Mishra)

JUDGE

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