

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2438 of 2015

- Smt. Raimati Dewangan W/o Late Shri R.R. Dewangan Aged About 65 years R/o Village & Post- Korasi, Thana- Kharora, District- Raipur. (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Public Works Department Mahanadi Bhawan, New Raipur (Chhattisgarh)
2. Executive Engineer. National Highway, Public Works Department, District- Raipur (Chhattisgarh)
3. Sub Divisional Officer. National Highway, Public Works Department, District- Raipur (Chhattisgarh)
4. Joint Director. Principal, Treasury Account & Pension, Raipur. District- Raipur (Chhattisgarh)

---- Respondents

For Petitioner
For Respondent/State

Shri Somkant Verma, Advocate
Shri P.K. Bhaduri, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

09/07/2015

1. 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 20-8-2008 and thereafter retired on 28.02.2010.

2. 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, 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, 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, subject to verification of facts or any other order passed by the Division Bench or the Supreme Court on the issue.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA