

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2478 of 2015**

- Smt. Dasmi Bai, wife of Sukhlal, aged about 64 years, residence of village Bafouli, Post Parsa, Ambikapur, District Sarguja, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Superintending Engineer, Public Works Department, Division Ambikapur, District Sarguja, Chhattisgarh
3. Joint Director, Treasury, Accounts and Pension, Ambikapur, District Sarguja Chhattisgarh

---- Respondents

For Petitioner	:	Shri C.Jayant K. Rao, Advocate
For Respondent/State	:	Shri Shashank Thakur, G.A. for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/07/2015**

1. Learned counsel for the petitioner would submit that the husband of 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 husband of the petitioner was regularized on 23-8-2008. However, he died in harness. Subsequently, the petitioner was granted appointment on compassionate grounds. She also retired from service on 31.08.2012 on attaining the age of superannuation.

2. Learned counsel for the petitioner would further submit that the past service of the petitioner's husband, 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)