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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2710 of 2015

- Tirbhuwan Das S/o late Dayal Das, aged about 63 years, retired Chowkidar, Water Resources Department, Pipariya Project Sub Division Chhuikhadan, District Rajnandgaon (C.G.) R/o Village Hatbanja, Chhindari Colony, Rajmahal Chowk, Chhuikhadan, P.S. &Tahsil Chhuikhadan, Civil and Revenue District Rajnandgaon (C.G.)

---- Petitioner

Versus

- State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh).
- Engineer In Chief, Water Resources Department, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh).
- Executive Engineer, Water Resources Department, Division Chhuikhadan, District- Rajnandgaon (Chhattisgarh)
- Sub Divisional Officer, Water Resources Department, Pipariya Project, Chhuikhadan, District Rajnandgaon (C.G.)

---- Respondents

WPS No. 2711 of 2015

- Devi Lal Deshmukh S/o- Late Hanuman Deshmukh, Aged About 66 years, Retired 'Isthal Sahayak', Water Resources Department, Sub Division Chhuikhadan, District- Rajnandgaon (Chhattisgarh) R/o- Village - Laxmanpur, P.S. & Tahsil- Chhuikhadan, Civil And Revenue District- Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh).
- Engineer In Chief, Water Resources Department, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh).
- Executive Engineer, Water Resources Department, Division

Chhuikhadan, District- Rajnandgaon (Chhattisgarh)

- Sub Divisional Officer, Water Resources Department
Chhuikhadan, District- Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioners	Mr. F.S. Khare, Advocate
For Respondent/State	Mr. P.K. Bhaduri, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/7/2015

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').

2. 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, 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 above decision of the Division Bench , however, he would submit that Review Petition No.61/2015 has already been preferred by the State before the Division Bench and notices have been issued in the said petition.

4. In view of the above, 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/-

Judge

(Prashant Kumar Mishra)

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