

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2929 of 2015

- Bela Bai Mahobiya Wd/o Late Bodhu Ram Aged About 64 years Retired Chowkidar, Water Resources Department Sub Division Chhuikhadan, District Rajnandgaon Chhattisgarh R/o Mahobiya Para Ward No. 4, Chhuikhadan, P.S. & Tahsil Chhikhadan, Civil & Revenue District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Secretary, Water Resources Department, Mahandi Bhawan New Raipur, District Raipur Chhattisgarh
- Engineer In Chief Water Resources Department Mahandi Bhawan New Raipur, District Raipur Chhattisgarh
- Executive Engineer Water Resources Department, Division Chhuikhadan, District Rajnandgaon Chhattisgarh
- Sub Divisional Officer Water Resources Department, Sub Division Chhuikhadan, District Rajnandgaon Chhattisgarh

---- Respondent

(Cause title is reproduced as is available in the CIS Software)

For Petitioner
For Respondent/State

Mr. F.S. Khare, Advocate
Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

12/08/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. 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').

3. 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 purpose of granting pension and as such, she 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, petitioner's 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.

4. Learned State counsel would not dispute the decision rendered by the Division Bench, however, he would submit that the State Government has preferred Review Petition No.61/2015 before the Division Bench in which, notices have been issued to the other side. He would submit that based on the outcome of the review petition, the matter shall be considered by the competent authority.

5. In view of the above, the writ petitions are disposed of with a direction that on a fresh representation being filed by the petitioner, within a period of 4 weeks, the respondents shall decide the petitioner's entitlement to pension, depending upon and after the outcome of Review Petition No.61/2015.

Sd/-

Judge

(Prashant Kumar Mishra)