

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3087 of 2015

1. Budhan Sai S/o Chhabil Sai, Aged About 65 Years, Retired Employee, Resident Of Balak Pondi (Amadol), Post Kilkila, P.S. And Tahsil Dharamjaigarh, District Jashpur Chhattisgarh
2. Ghanshyam S/o Jagat Ram, Aged About 63 Years Retired Employee, Resident Of Balak Pondi (Amadol), Post Kilkila, P.S. And Tahsil Dhanramjaigarh, District Jashpur Chhattisgarh

Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Public Works Department, Mahanadi Bhawan, Mantralaya, New Raipur District Raipur Chhattisgarh
2. Executive Engineer, Public Works Department, Ambikapur, Division Ambikapur Chhattisgarh
3. Chief Engineer, Public Works Department, Bilaspur Regional, Bilaspur Chhattisgarh
4. Engineer In Chief, Public Works Department, Jashpur, District Jashpur Chhattisgarh
5. Sub Divisional Officer Public Works Department, Pathalgaon, District Jashpur Chhattisgarh
6. Joint Director Treasury Account And Pension Ambikapur, District Surguja Chhattisgarh

Respondents

For Petitioners	Mr. U. R. Koshley, Advocate
For Respondent/State	Mr. Y.S. Thakur, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

25/8/2015

With the consent of the learned counsel for the parties, the matter is heard finally.

2. 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').

3. Learned counsel for the petitioners would further submit that the petitioners' past service, prior to the date of regularization, is not counted for the purpose 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.

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 petition is disposed of with a direction that on fresh representation being filed by the petitioners, within a period of 4 weeks, the respondents shall decide the petitioners' entitlement to pension, depending upon and after the outcome of Review Petition No.61/2015.

Sd/-

Judge

(Prashant Kumar Mishra)