

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 3234 of 2015**

- Patrick Joseph Simon S/o Late Joseph Simon, Aged About 64 Years R/o Janta Q. No. 59/60, Nehru Nagar, Thana Civil Line, District Bilaspur Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Secretary, Water Resources Department Naya Raipur Mantralaya Raipur Chhattisgarh
2. Director, Treasure, Accounts And Audit Department, Raipur Chhattisgarh

---- Respondent

**WPS No. 3235 OF 2015**

- Bishambar Sahu S/o Dayluram Sahu, Aged About 63 Years Village Chhepli, Police Station And Tahsil Nagri, Civil And Revenue District Dhamtari Chhattisgarh

---- Petitioner

**Vs**

1. State Of Chhattisgarh Through The Secretary, Project Water Resource Department, Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh
2. Chief Engineer, Water Resources Department Raipur, District Raipur Chhattisgarh
3. Executive Engineer, Water Resource Department, W.M. Division Rudri, District Dhamtari Chhattisgarh
4. Sub Divisional Officer, Water Resource Department Division Nagri, District Dhamtari Chhattisgarh

---- Respondent

**WPS No. 3236 OF 2015**

- Ram Khilawan S/o Jugruram, Aged About 65 Years R/o Semari, Post- Singhari, Tahsil & Distt. Bilaspur, (Chhattisgarh)

---- Petitioner

**Vs**

1. State Of Chhattisgarh Through- Secretary, Water Resources Department, Naya Raipur, Mantralaya, Raipur, (Chhattisgarh)
2. Director, Treasure, Accounts And Audit Department, Raipur, (Chhattisgarh)

**---- Respondent**

**WPS No. 3237 OF 2015**

- Harprasad Sahu S/o Late Kaliram Sahu Aged About 72 Years R/o Machkhanda, Post Nagoda, Tah. Bilaspur, Distt. Bilaspur (Chhattisgarh)

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through Secretary, Water Resources Department Naya Raipur, Mantralay, Raipur (Chhattisgarh)
2. Director Treasure, Accounts And Audit Department, Raipur (Chhattisgarh)

**---- Respondent**

**WPS No. 3238 OF 2015**

- Fekuram Suryawanshi S/o Ghanaram Suryawanshi, Aged About 66 Years R/o Bharari, Post Singhari, Tahsil & Distt. Bilaspur (Chhattisgarh)

**---- Petitioner**

**Vs**

1. State Of Chhattisgarh Through Secretary Water Resources Department Naya Raipur Mantralay Raipur (Chhattisgarh)
2. Director Treasure, Accounts And Audit Department, Raipur (Chhattisgarh)

**---- Respondent**

**And**

**WPS No. 3239 OF 2015**

- Ram Khilawan Suryawanshi S/o Late Rusau, Aged About 65 Years

R/o Semartal, Post- Semartal, Thana Koni, Tahsil & Distt. Bilaspur  
(Chhattisgarh)

---- Petitioner

Vs

- 1. State Of Chhattisgarh Through Secretary Water Resources  
Department Naya Raipur Mantralay Raipur (Chhattisgarh)
- 2. Director Treasure, Accounts And Audit Department, Raipur  
(Chhattisgarh)

---- Respondent

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|-----------------------|---------------------------------------------------------------------------------|
| For Petitioner        | Mr. Lav Sharma and Mr. Sanjeev Sahu,<br>Counsel for the respective petitioners. |
| For Respondent /State | Mr. Shashank Thakur, Government Advocate                                        |

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**3/9/2015**

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 petitions are 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)**