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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4433 of 2015**

Jagat Ram Bareth, S/o Khasun Ram, aged about 66 years, R/o Arvind Nagar, Bandhawapara Sarkanda Bilaspur, Civil & Revenue District -Bilaspur (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Water Resources Department Mahanadi, Mantralaya, Naya Raipur (C.G.)
2. Engineer in Chief, Water Resources Department, Raipur, District Raipur (C.G.)
3. Chief Engineer, Minimata (Hasdeo) Bango Project, Division Bilaspur (C.G.)
4. Executive Engineer, Hasdeo Canal Water Management, Division Janjgir, District Janjgir Champa (C.G.)
5. Sub Divisional Office, Minimata Bhango Canal, Sub Division, 17 Bilaspur, District – Bilaspur (C.G.)

---- Respondents

For Petitioner : Shri Hemant Kesharwani, Advocate.
For Respondents/State: Shri Varun Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****27/11/2015**

(1) 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 Rule, 1979 (for short 'the Rules, 1979').

(2) 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 purposes 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.

(3) Learned counsel for the State 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.

(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, depending upon and after the outcome of Review Petition No.61/2015.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-