

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4475 OF 2015**

Kushal Kurmi S/o Sarha Kurmi aged about 63 years R/o village Penderwa Post Ranigaon P.S. Ratanpur Tahsil Civil and Revenue District Bilaspur (CG)

---Petitioner**Versus**

1. State of Chhattisgarh through the Chief Secretary Irrigation Department Mantralaya Rakhi New Raipur (CG)
2. The Engineer-In-Chief Irrigation Department Government of Chhattisgarh Raipur District Raipur (CG)
3. The Superintending Engineer Irrigation Department Bilaspur Division Bilaspur District Bilaspur (CG)
4. The Chief Engineer Hansdeo Kachhar Irrigation Department Tahsil and Division Bilaspur District Bilaspur (CG)
5. The Sub Divisional Engineer Irrigation Department Inspection Sub Division Bilaspur Tahsil and District Bilaspur (CG)

----Respondents

For Petitioner	:	Mr. S.K. Thomas, Advocate
For Respondent/State	:	Mr. Dilmanrati Minj, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****30/11/2015**

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 Rules, 1979 (for short 'the Rules, 1979'). The petitioner was regularized on 22/08/2008 and thereafter retired on 31/12/2014.

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, he has been declared ineligible for pension. Learned counsel would refer to the order passed by the Division Bench of this Court decided on 26/02/2015 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 02/03/2005, 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 legal decision as has been laid down by the Division Bench.

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, 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/-

(Sanjay K. Agrawal)
JUDGE

Tiwari