

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2126 of 2015

- Rajkishore, S/o Shri Pawan Sai, Aged About 67 years, R/o Village- Khutitoli, Post Nariyardand, Thana And Tahsil -Kansabel, District Jashpur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Public Work Department, Mahanadi Bhawan, New Raipur (C.G.)
2. Executive Engineer, Public Works Department, National Highway, Division Ambikapur, District-Surguja (C.G.)
3. Sub Divisional Officer, Public Works Department, Sub Division Jashpur, District Jashpur (C.G.)

---- Respondents

And

WPS No. 2127 Of 2015

- Tairas, S/o Shri Abraham, Aged About 64 years, R/o Village- Pakaritoli, Post- Bandarchuan, Thana & Tahsil -Kansabel, District -Jashpur (C.G.)

---- Petitioner

Vs

1. State of Chhattisgarh, Through The Secretary, Public Work Department, Mahanadi Bhawan, New Raipur (C.G.)
2. Executive Engineer, Public Works Department, National Highway, Division Ambikapur, District-Surguja (C.G.)
3. Sub Divisional Officer, Public Works Department, Sub Division Jashpur, District Jashpur (C.G.)

---- Respondents

And

WPS No. 2128 Of 2015

- Rukhnath Ram, S/o Shri Sanu Ram, Aged About 64 years, Village- Narayan Bahli- Post- Chetba, Thana & Tahsil- Kansabel, District -Jahspur (C.G.)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, Public Work Department, Mahanadi Bhawan, New Raipur (C.G.)
2. Executive Engineer, Public Works Department, National Highway, Division Ambikapur, District-Surguja (C.G.)
3. Sub Divisional Officer, Public Works Department, Sub Division Jashpur, District Jashpur (C.G.)

---- Respondents

And

WPS No. 2129 Of 2015

- Ratiya Ram, S/o Shri Kandra Ram, Aged About 67 years, Village-Tamasingha, Post- Banderchuan, Tahsil Thana Kunkuri, District Jashpur (C.G.)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, Public Work Department, Mahanadi Bhawan, New Raipur (C.G.)
2. Executive Engineer, Public Works Department, National Highway, Division Ambikapur, District-Surguja (C.G.)
3. Sub Divisional Officer, Public Works Department, Sub Division Jashpur, District Jashpur (C.G.)

---- Respondents

And

WPS No. 2130 Of 2015

- Ramlakhan Ram, S/o Shri Ranjit Ram, Aged About 65 years, Village Lamdand, Post- Pongro, Tahsil & Thana, Kansabel, District Jashpur (C.G.)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, Public Work Department, Mahanadi Bhawan, New Raipur (C.G.)
2. Executive Engineer, Public Works Department, National Highway, Division Ambikapur, District-Surguja (C.G.)
3. Sub Divisional Officer, Public Works Department, Sub Division Jashpur,

District Jashpur (C.G.)

---- Respondents

And

WPS No. 2131 Of 2015

- Rafail Ekka S/o Shri Alvinus Ekka Aged About 67 years Village Jhargaon, Post - Gholeng, Thana & Tahsil Jashpur, District Jashpur (C.G.)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, Public Work Department, Mahanadi Bhawan, New Raipur (C.G.)
2. Executive Engineer, Public Works Department, National Highway, Division Ambikapur, District-Surguja (C.G.)
3. Sub Divisional Officer, Public Works Department, Sub Division Jashpur, District Jashpur (C.G.)

---- Respondents

And

WPS No. 2132 Of 2015

- Siril Kishpotta, S/o Shri Novas Kishpotta Aged About 67 years Village-Aagdih, Post- Lokhandi Thana & Tahsil Jashpur, District Jashpur (C.G.)

---- Petitioner

Vs

1. State of Chhattisgarh, Through The Secretary, Public Work Department, Mahanadi Bhawan, New Raipur (C.G.)
2. Executive Engineer, Public Works Department, National Highway, Division Ambikapur, District-Surguja (C.G.)
3. Sub Divisional Officer, Public Works Department, Sub Division Jashpur, District Jashpur (C.G.)

---- Respondents

And

WPS No. 2140 Of 2015

- Rupan Ram, S/o Shri Marha Ram Aged About 67 years Village Mayurtoli, Post- Kersai, Tahsil- Farsababar, Thana Tapkara, District Jashpur (C.G.)

---- Petitioner

Vs

- State of Chhattisgarh Through The Secretary, Public Work Department, Mahanadi Bhawan, New Raipur (C.G.)
- Executive Engineer, Public Works Department, Division Ambikapur, District-Surguja (C.G.)
- Sub Divisional Officer, Public Works Department, Sub Division Jashpur, District Jashpur (C.G.)

---- Respondents

And

WPS No. 2141 Of 2015

- Dilbandhu, S/o Shri Bife Sai Aged About 62 years Village Kansabel (Mudatoli) Post Tahsil & Thana Kansabel Dsitric Jashpur (C.G.)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, Public Work Department, Mahanadi Bhawan, New Raipur (C.G.)
2. Executive Engineer, Public Works Department, National Highway, Division Ambikapur, District-Surguja (C.G.)
3. Sub Divisional Officer, Public Works Department, Sub Division Jashpur, District Jashpur (C.G.)

---- Respondents

And

WPS No. 2142 Of 2015

- Lalpiyaro Ram, S/o Shri Sundar Ram Aged About 65 years Village- Mayur Toli, Post- Kersai, Tahsil -Farsabahar, Thana -Tapkara, District Jashpur (C.G.)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, Public Work Department, Mahanadi Bhawan, New Raipur (C.G.)
2. Executive Engineer, Public Works Department, Division Ambikapur, District-Surguja (C.G.)

3. Sub Divisional Officer, Public Works Department, Sub Division Jashpur, District Jashpur (C.G.)

---- Respondents

And

WPS No. 2146 Of 2015

- Saniya Ram S/o Shri Demu Ram Aged About 68 years Vill - Dhawai Toli, Post Singibahar, Tashil Farsabahar, Thana Tapkara, District Jashpur (C.G.)

---- Petitioner

Vs

1. State of Chhattisgarh Through The Secretary, Public Work Department, Mahanadi Bhawan, New Raipur (C.G.)
2. Executive Engineer, Public Works Department, Division Ambikapur, District-Surguja (C.G.)
3. Sub Divisional Officer, Public Works Department, Sub Division Jashpur, District Jashpur (C.G.)

---- Respondents

For Petitioners	:	Shri Manoj Chauhan, Advocate
For Respondents/State	:	Shri Y.S. Thakur, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/06/2015

1. Learned counsel for the petitioners would submit that the petitioners were the employee 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'). The petitioners were regularized in the year 2008 and thereafter retired.

2. Learned counsel for the petitioners would further submit that the petitioners' past service, prior to the date of regularization, is not counted for the purposes 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 services 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 petitions are disposed of with a direction that on fresh representations being filed by the petitioners within a period of four weeks, the respondents shall decide petitioners' 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.

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