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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.109 of 2013**

- Nathu Ram Sahu, S/o Late Jhadi Ram Sahu, aged about 62 years, Occupation retired employee PWD R/o Village Katghi, Post Kharesara, Thana & Tahsil Khamaria, District Bemetara (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through the Secretary, Department of Public Works, D.K.S. Bhawan, Raipur (CG)
2. Chief Engineer, Public Works Department, Raipur, Distt. Raipur (CG)
3. Executive Engineer, PWD Division, Bemetara, Distt. Bemetara (CG)
4. Sub-Divisional Officer, Sub Division PWD Saja, Distt. Bemetara (CG)
5. Joint Director, Department of Treasure, Account & Pension, Pension Bada, Raipur (CG)

---- Respondents

For Petitioner	: Shri Ashok Patil, Advocate.
For Respondents	: Shri Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****7/7/2015**

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').
2. Learned counsel for the petitioner would further submit that the petitioner's past services, prior to the date of regularization, are 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 26-2-2015 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 respondents would not dispute the legal position as has been laid down by the Division Bench, however, he would submit that the State is considering to file a review petition.
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/-

J U D G E

(Prashant Kumar Mishra)

Barve