

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2581 of 2015**

- Chandrakumar Tiwari S/o Shri Netram Tiwari Aged About 64 years Retired From The Post Of Spot Assistant From The Irrigation Department, R/o Kududand, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhawan, Naya Raipur, Tahsil & District Raipur (Chhattisgarh)
2. Secretary, Ministry Of Finance And Planning Department, Mahanadi Bhawan, Naya Raipur, Tahsil & District Raipur (Chhattisgarh)
3. Chief Engineer, Water Resources Department, Dhamdha, District Durg (Chhattisgarh)
4. Sub Divisional Officer, Dhadha, Sub Division- Dhamdha, Water Resources, Department, Dhamdha, District Durg (Chhattisgarh)
5. The Accountant General, State Of Chhattisgarh, Pagaria Complex, Pandari Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Ravi Mehar, Advocate
For Respondent No.1to 4	:	Shri Sangharsh Pandey, Dy. GA for the State.
For Respondent No.5	:	Shri Rajesh Tiwari, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****20/07/2015**

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 and thereafter retired on 31.12.2012.

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 26-2-2015 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.
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, including the date of regularization or any other order passed by the Division Bench or the Supreme Court on the issue.

Sd/-

JUDGE

Prashant Kumar Mishra

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