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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2529 Of 2015

- Sammelal, son of Jagbandhu Aged About 63 years R/o Gudiyari Tahsil And P.S. Sarangarh, District Raigarh Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Public Works Department, Mahandi Bhawan Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Executive Engineer Public Works Department, Raigarh, District Raigarh Chhattisgarh
3. Joint Director Treasury Accounts And Pension, Bilaspur District Bilaspur Chhattisgarh

---- Respondents

And

WPS No. 2530 of 2015

- Ghasiya Ram S/o Khariya Aged About 63 years R/o Durgapali Gudiyari, Tahsil And P.S. Sarangarh, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Public Works Department, Mahandi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Executive Engineer Public Works Department, Raigarh, District Raigarh Chhattisgarh
3. Joint Director Treasury Accounts And Pension, Bilaspur District Bilaspur Chhattisgarh

---- Respondents

And

WPS No. 2531 Of 2015

- Dhan Sai Yadav S/o Late Gotu Ram Aged About 63 years R/o Kendapali, P.S. Chal, Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Executive Engineer Water Resources Department Dharamjaigarh, District Raigarh Chhattisgarh
3. Joint Director Treasury Accounts And Pension, Bilaspur District Bilaspur Chhattisgarh

---- Respondents

And

WPS No. 2532 Of 2015

- Bauta Ram S/o Manjhi Ram Aged About 63 years R/o Balakpodi, P.S. Kapu, Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary Public Works Department, Mahandi Bhawan Mantralaya Naya Raipur District Raipur Chhattisgarh
2. Executive Engineer Public Works Department, Raigarh, District Raigarh Chhattisgarh
3. Joint Director Treasury Accounts And Pension, Bilaspur District Bilaspur Chhattisgarh

---- Respondents

And

WPS No. 2533 Of 2015

- Madhim Sai S/o Butu Aged About 67 years R/o Balakpodi, P.S. Kapu, Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Public Works Department, Mahandi Bhawan Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Executive Engineer Public Works Department, Raigarh, District Raigarh Chhattisgarh
3. Joint Director Treasury Accounts And Pension, Bilaspur District Bilaspur Chhattisgarh

---- Respondents

And

WPS No. 2534 Of 2015

- Pyari Das Mahant S/o Late Sahdev Das Mahant Aged About 63 years R/o Lailunga, P.S. And Tahsil Lailunga, District Raigarh Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh, Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Executive Engineer Water Resources Department Dharamjaigarh, District Raigarh Chhattisgarh
3. Joint Director Treasury Accounts And Pension, Bilaspur District Bilaspur Chhattisgarh

---- Respondents

And

WPS No. 2535 Of 2015

- Khedu Ram S/o Pardesi Aged About 65 years R/o Gudiyari Tahsil And P.S. Sarangarh, District Raigarh Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary Public Works Department, Mahandi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Executive Engineer Public Works Department, Raigarh, District Raigarh Chhattisgarh
3. Joint Director Treasury Accounts And Pension, Bilaspur District Bilaspur Chhattisgarh

---- Respondents

And

WPS No. 2536 Of 2015

- Ant Ram S/o Nanki Aged About 64 years R/o Gudiyari, Tahsil And P.S. Sarangarh, District Raigarh, Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh, Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Executive Engineer, Public Works Department, Raigarh, District Raigarh, Chhattisgarh
3. Joint Director Treasury Accounts And Pension, Bilaspur District Bilaspur Chhattisgarh

---- Respondents

For Petitioners	:	Shri Harish Khuntiya, Advocate
For Respondents/State	:	Shri Sangharsh Pandey, Dy. GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

16/07/2015

1. Learned counsel for the petitioners would submit that the petitioners were the employees 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 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 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.

Sd/-

Judge

Prashant Kumar Mishra

Ashu