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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3200 of 2015

- Mathura Suryawanshi S/o Late Ramprasad Suryawanshi, Aged About 65 Years R/o Bharari, Post- Singhari, Distt. Bilaspur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Naya Raipur, Mantralaya, Raipur, (Chhattisgarh)
2. Director, Treasure, Accounts And Audit Department, Raipur, (Chhattisgarh)

---- Respondent

WPS No. 3201 Of 2015

- Santram S/o Budram, Aged About 65 Years R/o Semari, Post- Singhari, Tahsil & Distt. Bilaspur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Water Resources Department Naya Raipur Mantralay Raipur (Chhattisgarh)
2. Director Treasure, Accounts And Audit Department, Raipur (Chhattisgarh)

---- Respondent

WPS No. 3202 Of 2015

- Chhotu Sahu S/o Baliram Sahu, Aged About 65 Years R/o Kirari, Post Masturi, Tahsil Masturi, District Bilaspur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Water Resources Department Naya Raipur Mantralaya Raipur Chhattisgarh

2. Director, Treasure, Accounts And Audit Department, Raipur Chhattisgarh

---- Respondent

WPS No. 3203 Of 2015

- Saupat Suryawanshi S/o Punau Ram, Aged About 65 Years R/o Janji, Tah. Seepat, Distt. Bilaspur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Naya Raipur, Mantralay, Raipur (Chhattisgarh)
2. Director Treasure, Accounts And Audit Department, Raipur (Chhattisgarh)

---- Respondent

WPS No. 3205 Of 2015

- Konda Sahu S/o Late Dhela Sahu, Aged About 66 Years R/o Machkhanda, Post Nagoda, Tah. Bilaspur, Distt. Bilaspur, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Naya Raipur, Mantralaya, Raipur, (Chhattisgarh)
2. Director, Treasure, Accounts And Audit Department, Raipur, (Chhattisgarh)

---- Respondent

And

WPS No. 3206 Of 2015

- Santuram S/o Late Mahettar Aged About 65 Years R/o Semari, Post Singhari, Tahsil & Distt. Bilaspur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary Water Resources Department Naya Raipur Mantralay Raipur (Chhattisgarh)

2. Director Treasure, Accounts And Audit Department, Raipur
(Chhattisgarh)

---- Respondent

For Petitioners	Mr. Vinod Deshmukh, Advocate
For Respondent/State	Mr. P.K. Bhaduri, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

01.09.2015

With the consent of the learned counsel for the parties, the matter is heard finally.

2. 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').

3. Learned counsel for the petitioners would further submit that the petitioners' past service, prior to the date of regularization, is not counted for the purpose 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.

4. Learned State counsel would not dispute the decision rendered by the Division Bench, however, he would submit that the State Government has preferred Review Petition No.61/2015 before the Division Bench in which, notices have been issued to the other side. He would submit that based on the outcome of the review petition, the matter shall be considered by the competent authority.

5. In view of the above, the writ petitions are disposed of with a direction that on fresh representation being filed by the petitioners, within a period of 4 weeks, the respondents shall decide the petitioners' entitlement to pension, depending upon and after the outcome of Review Petition No.61/2015.

Sd/-

Judge

(Prashant Kumar Mishra)

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