

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3881 of 2015**

Keshav S/o Khorbahara aged about 65 years R/o village and Post Lojwara
P.S. and Tahsil Saja Civil and Revenue District Bemetara (CG)

---Petitioner**Versus**

1. State of Chhattisgarh through the Chief Secretary Public Works Department Mantralaya Rakhi New Raipur (CG)
2. The Engineer-In-Chief Public Works Department Government of Chhattisgarh Near Raj Bhawan Raipur District Raipur (CG)
3. The Superintending Engineer Public Works Department Raipur Division Raipur District Raipur (CG)
4. The Executive Engineer Public Works Department Tahsil and Division Bemetara District Bemetara (CG)
5. Sub Divisional Officer Public Works Department Sub Division Saja District Bemetara (CG)

---Respondents**And****Writ Petition (S) No. 3883 of 2015**

Bhagwani S/o Shagun Ram aged about 64 years R/o village Mohtarai Post
Semartal P.S. Koni Tahsil and Revenue District Bilaspur (CG)

---Petitioner**Versus**

1. State of Chhattisgarh through the Chief Secretary Public Works Department Mantralaya Rakhi New Raipur (CG)
2. The Engineer-In-Chief Public Works Department Government of Chhattisgarh Near Raj Bhawan Raipur District Raipur (CG)
3. The Superintending Engineer Public Works Department Raipur Division Raipur District Raipur (CG)
4. The Executive Engineer Public Works Department Tahsil and Division Bilaspur District Bilaspur (CG)

5. Sub Divisional Officer Public Works Department Sub Division Koni
District Bilaspur (CG)

---Respondents

For Petitioners	:	Mr. Rakesh Anthony, Advocate
For Respondents	:	Mr. Dheeraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

29/10/2015

1. With the consent of the learned counsel for the parties, the matters are 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 services, prior to the date of regularization, are 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 26/02/2015 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 02/03/2005, 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.

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 representations 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/-
(Sanjay K. Agrawal)
JUDGE

Tiwari