

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3453 of 2015

- Smt. Janki Sahu W/o Late Fhul Sai Sahu, Aged About 62 Years R/o Village And Post Suti Urkoli, Tahsil Bhilaigarh, District Baloda Bazar- Bhatapara, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
- Engineer In Chief, Mahanadi Godawari Kachar, Water Resources Department, Raipur, District Raipur, Chhattisgarh
- Executive Engineer, Water Resources Department, Kasdole, District Baloda Bazar- Bhatapara, Chhattisgarh

---- Respondents

For Petitioner	Shri C.J.K. Rao, Advocate with Shri K.P. Sahu, Advocate
For Respondent/State	Shri Dheeraj Wankhede, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

23/09/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. Learned counsel for the petitioner would submit that the petitioner's husband 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's husband

was regularized on 13.08.2008 and thereafter retired on 23.07.2013 and subsequently died on 21.08.2014.

3. Learned counsel for the petitioner would further submit that the petitioner's husband'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, petitioner's husband'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 petition is disposed of with a direction that on fresh representation being filed by the petitioner, within a period of 4 weeks, the respondents shall decide the petitioner's husband's entitlement to pension, depending upon and after the outcome of Review Petition No.61/2015.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA