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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3851 of 2015**

1. Prakash Singh Thakur S/o Late Veer Daman Singh, Aged About 62 Years Occupation Time Keeper, R/o Ward No. 4, Rajfamily, Khairagarh, Police Station and Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh
2. Prem Lal Chandrakar, S/o Late Budhram Chandrakar, Aged About 63 Years Occupation Site Chokidar, R/o Ward No. 5, Kurmi Para, Police Station and Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh
3. Tribhuvan Ram, S/o Late Dayal Das, Aged About 63 Years Occupation Site Chokidar, R/o Chidari Colony, Headquarter Harbanja, Police Station and Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh
4. Bela Bai Mohabiya, W/o Late Bodhram Mohabiya, Aged About 63 Years Occupation Site Chokidar, R/o Ward No. 5, Mohabiya Para, Police Station and Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Project Water Resource Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer, Water Resources Department, Mahanadi Godawari Kchar Raipur, District Raipur, Chhattisgarh
3. Executive Engineer, Water Resource Department, Division Chhuikhadan, District Rajnandgaon (Chhattisgarh)
4. Executive Engineer, Water Resource Department, Division Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioners : Mr. Ravi Kumar Bhagat, Advocate
 For Respondents : Mr. Yaswant Singh Thakur, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**

28/10/2015

1. 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 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

B/-