

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3885 of 2015**

1. Budhari Ram Sahu S/o Late Sri Siya Ram Sahu, Aged About 66 Years R/o Village Bada Jhal, Post Gadamore, Tahsil Navagarh, District Bemetara (CG)
2. Vasheer Mohammad, S/o Late Rungu Mohammad, Aged About 65 Years R/o Village and Post Khandsara, Tahsil Bemetara, District Bemetara (CG)
3. Kapil Singh Nirmalkar, S/o Sri Dariyal Singh, Aged About 65 Years R/o Village & Post Bemetara, District Bemetara (CG)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhawan, New Mantralaya, Raipur Chhattisgarh
2. Engineering In Chief, Water Resources Department, Raipur Chhattisgarh
3. Chief Engineer, Mahanadi Godavari Kachhar, Water Resources Department, Raipur Chhattisgarh
4. Sub Divisional Officer, (E & M), Light Machinery, Nalkoop & Gate, Sub Division, Bemetara, District Bemetara Chhattisgarh
5. The Executive Engineer (E & M), Light Machinery, Nalkoop & Gate, Sub Division, Water Resource Department, Durg, District Durg Chhattisgarh

---- Respondents

For Petitioners	:	Mr. C.K.Sahu, Advocate
For Respondents	:	Mr.Y.S.Thakur, Dy.A.G. with Mrs.Ashtha Shukla, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****30/11/2015**

Heard learned counsel for the parties.

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 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 Rule, 1979). The details of regularization and retirement of the petitioners are as under:-

Petitioners	Date of Regularization	Date of Retirement
Petitioner No.1	18.8.2008	30.9.2010
Petitioner No.2	18.8.2008	28.2.2009
Petitioner No.3	23.9.2004	31.7.2010

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 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.

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 petition is 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 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.

5. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-