

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3727 of 2015

- Smt. Vishwamohani Mishra, W/o Late Dasharath Mishra, Aged about 52 years, R/o Village Tulasi, Police Station Tilda, District Raipur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Water Resources Department, Mahanadi Mantralaya, Naya Raipur (C.G.)
2. Chief Engineer, Water Resources Department, Raipur, District Raipur (C.G.)
3. Engineer in Chief, Mahanadi Dam Project, Division 03 Tilda, District Raipur (C.G.)
4. Executive Engineer, Mahanadi Dame Project, Division 03 Tilda District Raipur
5. Sub Division Office Bhatapara Canal Contraction Sub Division 02 Bhatapara, District Baloda Bazar

---- Respondent

For Petitioner

Mr. K.K. Dewangan, Advocate

For Respondent /State

Mr.P.K. Bhaduri, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

14.10.2015

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 husband of the petitioner 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').

3. Learned counsel for the petitioner would further submit that the past service of the petitioner's late husband, prior to the date of regularization, is not counted for the purpose of granting pension and as such, the employee 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, employees' 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 a fresh representation being filed by the petitioner, within a period of 4 weeks, the respondents shall decide the petitioner's entitlement to pension, depending upon and after the outcome of Review Petition No.61/2015.

Sd/-

Judge

(Prashant Kumar Mishra)