

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3653 of 2015

- Bhagwat Prasad Dhiwar S/o Delauram Dhiwar, Aged About 63 Years R/o Village Madi, Tahsil & Distt. Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Naya Raipur, Mantralaya, Raipur, (Chhattisgarh)
2. Director, Treasure, Accounts And Audit Department, Raipur, (Chhattisgarh)

---- Respondent

WPS No. 3656 Of 2015

- Latel Ram S/o Nakchhed, Aged About 65 Years R/o Bhakhidih, Post Lakhram, P. S. Ratanpur, Tahsil & Distt. Bilaspur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Water Resources Department Naya Raipur Mantralay Raipur (Chhattisgarh)
2. Director Treasure, Accounts And Audit Department, Raipur (Chhattisgarh)

---- Respondent

WPS No. 3657 Of 2015

- Dharam Lal Suryawansi S/o Raruha Suryawansi, Aged About 63 Years R/o Kolihabhatha, Post Lakhram, P. S. Ratanpur, Tahsil & Distt. Bilaspur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary Water Resources Department Naya Raipur Mantralay Raipur (Chhattisgarh)
2. Director Treasure, Accounts And Audit Department, Raipur (Chhattisgarh)

---- Respondent

WPS No. 3658 OF 2015

- Bharat Lal Mishra S/o Ganga Prasad Mishra, Aged About 62 Years
R/o Parsada (Aawas) Post Sirgitti, P.S. Sirgitti, Tahsil & District
Bilaspur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary Water Resources
Department Naya Raipur Mantralaya Raipur Chhattisgarh
2. Director, Treasure, Accounts And Audit Department, Raipur
Chhattisgarh

---- Respondent

WPS No. 3659 OF 2015

- Radheshyam Diwar S/o Mahettar Diwar, Aged About 65 Years R/o
Village Bhadi, Post Khairadagniya Thana Seepat, Tahsil & District
Bilaspur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary Water Resources
Department Naya Raipur Mantralaya Raipur Chhattisgarh
2. Director, Treasury, Accounts & Audit Department, Raipur
Chhattisgarh

---- Respondent

WPS No. 3660 OF 2015

- Jogiram Koshale S/o Late Dalgan Koshale, Aged About 64 Years
R/o Singhari, Post Singhari, Tahsil & District Bilaspur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary Water Resources
Department Naya Raipur Mantralaya Raipur Chhattisgarh
2. Director, Treasury, Accounts & Audit Department, Raipur
Chhattisgarh

---- Respondent

And

WPS No. 3664 Of 2015

- Ganesh Ram Yadav S/o Budram Yadav Aged About 63 Years R/o Village Bhadi, Post Khairadagniya Thana Seepat, Tahsil & Distt. Bilaspur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary Water Resources Department Naya Raipur Mantralay Raipur (Chhattisgarh)
2. Director Treasure, Accounts And Audit Department, Raipur (Chhattisgarh)

---- Respondent

For Petitioners	Mr. KPS Gandhi, Advocate
For Respondent /State	Mr. Y.S. Thakur, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

9/10/2015

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 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.

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 representation 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/-

Judge

(Prashant Kumar Mishra)