

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 42 OF 2016

Smt. Budhwara Bai W/o Udai Ram aged about 65 years
R/o village Jogipur P.S. & Tahsil Kota Civil and Revenue
District Bilaspur (C.G.)

---Petitioner

Versus

1. State of Chhattisgarh through the Chief Secretary
Public Works Department Mantralaya Mahanadi
Bhawan New Raipur District Raipur (CG)
2. The Engineer-In-Chief Public Works Department
Government of Chhattisgarh Near Raj Bhawan Raipur
District Raipur (CG)
3. The Superintending Engineer Public Works Department
Raipur Division Raipur District Raipur (CG)
4. The Executive Engineer Public Works Department
Tahsil and Division Bilaspur District Bilaspur (CG)
5. The Sub Divisional Officer Public Works Department
Sub Division Koni District Bilaspur (CG)

---Respondents

For Petitioner : Mr. Rakesh Anthony, Advocate
For State/Respondents : Mr. Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

11/01/2016

1. Learned counsel for the petitioner would submit that 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 (Wrok-Charged and Contingency Paid Employees) Pension Rule, 1979 (for short 'the Rules, 1979'). The petitioner was regularized on 23/08/2008 and thereafter retired on 02/06/2012.

2. Learned counsel for the petitioner would further submit that the petitioner's past service, prior to the date of regularization, is not counted for the purposes of granting pension and as such, she has 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.281/2013 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.

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 representation being filed by the petitioner within a period of four weeks, the respondents shall decide petitioner's entitlement to pension, in accordance with the law laid down by this Court in Writ Appeal No.281/2013 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.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari