

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.674 of 2016**

Arun Kumar Vishwakarma, S/o late Tulsi Ram Vishwakarma, aged about 62 years, R/o Village Banranka, Post Tipani, Police Station Khamhariya, District Bemetara (CG). ---- **Petitioner**

Versus

1. State of Chhattisgarh, through Secretary, Water Resources Department, Naya Raipur, Raipur.
2. Director, Treasure, Accounts and Audit Department, Raipur (CG). --- **Respondents**

For Petitioner : Shri K.P.S. Gandhi, Advocate
 For Respondents : Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

03/03/2016

(1) 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 petitioner was 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'). The petitioner was regularized on 17.11.2005 and thereafter, retired on 30.01.2016.

(3) Learned counsel for the petitioner would 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, he 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 appeal were held entitled to pension under the Rules, 1979.

(4) Learned counsel for the State 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) Learned counsel for the petitioner would submit that Review Petition No.61 of 2015 has been filed by the State Government.

(6) Ms. Astha Shukla, learned State counsel would submit that said review petition has been dismissed on 23.11.2015.

(7) In view of 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 the petitioner's entitlement to pension.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-