

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.816 of 2016**

Panchram Vishwakarma, S/o late Govind Prasad, aged about 63 years, R/o village Daija, Tahsil Takhatpur, District Bilaspur (CG).

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary, Public Work Department, Mahanadi Bhawan, Mantralaya, Naya Raipur.
2. Executive Engineer, Public Work Department, Division-01, Bilaspur, District Bilaspur (CG).
3. Sub Divisional Officer, Sub Division No.03, Bilaspur, District Bilaspur (CG).

---- Respondents

For Petitioner : Shri Hemant Kesharwani, Advocate.
 For Respondent : Shri S.P. Kale, Dy.A.G.

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

16/03/2016

(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 Rule, 1979 (for short 'the Rules, 1979'). The petitioner was regularized on 14.08.2009 and thereafter retired on 28.02.2015.

(3) Learned counsel appearing 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, 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 appeals 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) 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 four weeks, the respondents shall decide the petitioner's entitlement to pension, depending upon and after the outcome of Review Petition No.61/2015.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-