

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.1154 of 2016**

Chhannu Lal Deshmukh, S/o Shri Devdhar Deshmukh, aged about 64 years, R/o Village Malighori (Dudhali), Tahsil Balod, District Balod (CG).

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Public Work Department, Mahanadi Bhawan, Mantralaya, Naya Raipur (CG).
2. Executive Engineer, Public Works Department, (Bha./Sa) Division Balod, District Balod (CG).
3. Sub Divisional Officer, Sub Division No.02, Balod, District Balod (CG).

---- Respondents

For Petitioner	: Shri Suresh Tandan, Advocate.
For Respondents/State	: Ms. Astha Shukla, Panel Lawyer

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

20/04/2016

(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 (Work-Charged and Contingency Paid Employees) Pension Rule, 1979 (for short 'the Rules, 1979'). The petitioner was regularized on 03.12.2005 and thereafter retired on 28.02.2014 .

(2) 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.

(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

L/-