

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.1258 OF 2016**

Smt. Urmila Bai D/o Rupram, Aged About 65 Years R/o Village Bhulandabari, Tahsil Gurur, District Balod, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Work Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, (Chhattisgarh)
2. Executive Engineer, Public Work Department, (B/R) Division Balod, District Balod, (Chhattisgarh)
3. Sub Divisional Officer, Public Work Department, (B/R) Sub Division No.01, Balod, District Balod, (Chhattisgarh)

---- Respondents

Writ Petition (S) No.1259 OF 2016

Khorbahra Ram S/o Late Dukalu Gond, Aged About 64 Years R/o Village Devari, Tahsil Doundi (Lohara), District Balod, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Work Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, (Chhattisgarh)
2. Executive Engineer, Public Work Department, (B/R) Division Balod, District Balod, (Chhattisgarh)
3. Sub Divisional Officer, Public Work Department, (B/R) Sub Division 01, Balod, District Balod, (Chhattisgarh)

---- Respondents

Writ Petition (S) No.1264 OF 2016

Dhanraj S/o Late Budhram Yadaw, Aged About 65 Years R/o Village Bholukonha, Tahsil Doundi Lohara, District Balod, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Work

Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, (Chhattisgarh)

2. Executive Engineer, Public Work Department, (B/R) Division Balod, District Balod, (Chhattisgarh)

3. Sub Divisional Officer, Public Work Department, (B/R) Sub Division No. 01, Balod, District Balod, (Chhattisgarh)

---- Respondents

And

Writ Petition (S) No.1265 OF 2016

Bhuneshwar S/o Late Dasu Ram Sinha, Aged About 64 Years R/o Village Kamta Tahsil Doundi (Lohara), District Balod (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Work Department Mahanadi Bhawan Mantralaya Naya Raipur (Chhattisgarh)

2. Executive Engineer, Public Work Department, (B/R) Division Balod, District Balod, (Chhattisgarh)

3. Sub Divisional Officer Public Work Department (B/R) Sub Division 01 Balod District Balod Chhattisgarh.

---- Respondents

For Petitioners	: Shri Hemant Kesharwani, Advocate.
For Respondents/State	: Mr. Suvigya Awasthy, Panel Lawyer

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

27/04/2016

(1) Learned counsel for the petitioners would submit that the petitioners were the employee of work charged and contingency paid establishment, having been earlier appointed as daily wagers and thereafter attained the status of temporary employees, in accordance with the Chhattisgarh (Work-Charged and Contingency Paid Employees) Pension Rule, 1979 (for short 'the Rules, 1979'). The

petitioners were regularized on 22.08.2008 and thereafter retired on 30.09.2013, 30.06.2014, 30.09.2014 & 31.10.2012, respectively.

(2) Learned counsel appearing for the petitioners would further submit that the petitioners' past service, prior to the date of regularization, are not counted for the purposes 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 26.02.2015 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 petitions are disposed of with a direction that on fresh representations being filed by the petitioners within a period of four weeks, the respondents shall decide petitioners' 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