

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No. 2324 of 2016**

Ishwar Prasad Sahu S/o Late Munu Ram Sahu, Aged About 63 Years Retired Time Keeper O/o The Executive Engineer, Kelo Project Survey Division Raigarh Chhattisgarh R/o Village & P.O. Pendrarwa, P.S. Chandrapur, Tahsil Dabhara, District Janjgir Champa Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Thorough Its Secretary, Department Of Water Resources Mantralaya Mahanadi Bhawan Naya Raipur Chhattisgarh
2. Engineer In Chief, Water Resources Department Chhattisgarh H.Q. Sihawa Bhawan, Civil Lines, Raipur Chhattisgarh
3. The Chief Engineer, Minimata Hasdeo Bango Project Bilaspur Chhattisgarh
4. The Executive Engineer, Kelo Project Survey Division, Raigarh Chhattisgarh

**---- Respondents**

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Shri R.K.Kesharwani, counsel for the petitioner/s.  
Shri Gary Mukhopadhyaya, Dy.G.A. for the State.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**24/06/2016**

The petitioner has filed this petition aggrieved by inaction on the part of the respondents in not extending benefit of pension to the petitioner.

2. It is the case of the petitioner that the petitioner, who was initially appointed as Time Keeper on Collector Rate (daily wage basis), was later on granted regular appointment in work charged contingency establishment on 15/12/2006. Thereafter, the petitioner retired on 31/12/2015. Thus, the petitioner served for more than six years on regular basis in contingency.

3. Learned counsel for the petitioner submits that the issue of entitlement of pension under Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979 has been set at rest in the case of similarly situated employee Naval Kishore Mishra, whose writ petition No.1045/2014 (*Naval*

*Kishore Mishra v. State of Chhattisgarh and ors.*) was allowed vide order dated 17/04/2015 by this Court and the order has attained finality as the writ appeal filed by the State was dismissed vide order dated 19/02/2016 passed in W.A.No.661/2015.

3. Learned State counsel submits that though the legal position has been settled by this Court in the aforementioned order, to extend the same benefit to the petitioner, examination and verification of facts would be necessary.

4. Once the legal position is not disputed, this petition can be disposed off keeping in view that the petitioner is a retired employee. The respondents shall examine the claim of the petitioner in the light of the order passed by this Court in the case of Naval Kishore Mishra (supra) and the decision shall be taken within a period of 60 days.

5. With the aforesaid observations, the petition is finally disposed off.

Sd/-

**(Manindra Mohan Shrivastava)**  
**Judge**