

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3164 of 2016

Sitaram Kashyap S/o Late Dwarika Prasad Kashyap, Aged About 63 Years R/o Gram-Post Jarve (B), Thana Balaoda, District Janjgir Champa, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Naya Raipur, Mantralaya, Raipur, (Chhattisgarh)
2. Director, Treasure, Accounts And Audit Department, Raipur, (Chhattisgarh)

---- Respondents

Shri KPS Gandhi, counsel for the petitioner/s.
Shri Dhiraj Wankhede, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/07/2016

With the consent of 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 14.08.2008 and thereafter retired on 31.08.2015.

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 26.2.2015 in Writ Appeal No.281/13 and other connected matters, wherein this Court has held that in view of the State Government's instructions dated 2.3.2005, 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 State counsel 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. Learned State counsel would submit that the said review petition has been dismissed on 23.11.2015.

7. In view of above, the writ petition is disposed off with a direction that on fresh representation being filed by the petitioner within a period of 4 weeks, the respondents shall decide petitioner's entitlement to pension.

Sd/-
(Manindra Mohan Shrivastava
JUDGE