

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3451 of 2016**

Om Bai Gadariya D/o Late Firturam Gadariya, Aged About 64
Years R/o Village Gahirabhendi, Post Belargondi, Tahsil
Chhuriya, District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Public Works
Department Mahanadi Bhawan, Naya Raipur District Raipur
Chhattisgarh
2. Executive Engineer, Public Works Department (Bha/sa) Division
Rajnandgaon District Rajnandgaon Chhattisgarh
3. Sub Divisional Officer, Public Works Department (Bha/sa), Sub
Division No 2 Rajnandgaon District Rajnandgaon Chhattisgarh
4. Joint Director, Pension And Accounts Treasury Department, Durg,
District Durg Chhattisgarh

...Respondents

For Petitioner	:	Mr. P.P. Sahu, Advocate.
For State	:	Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/08/2016**

Heard.

1. The petitioner in this petition is claiming that after his regularization in services, the period of services rendered by him as daily wage employee should be counted for the purposes of pension under the Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979 (for short "the Rules of 1979").
2. Learned counsel for the petitioner submits that the issue regarding entitlement of contingency employee in the matter of counting services prior to regularization for the purposes of pension under the Rules of 1979 has been set at rest by the Division Bench's Judgment of this Court

vide order dated 26.02.2015 in batch of cases Writ Appeal No.281 of 2013 and other cases. The petitioner, in this petition, before the Court claim that his case is similarly situated, therefore, the same benefit should also be extended by the respondent-State to him in the same manner as has been directed by this Court.

3. Learned State counsel submits that though the cases of the petitioner is also similar to the petitioners in the above referred cases, he informs that the State has filed SLP before the Supreme Court and the matter is still pending before the Supreme Court.

4. Once it is not disputed that the case of the petitioner is similar to those petitioners, whose cases has already been decided by the Division Bench, the petitioner is also entitled to the same benefit as given to the similar situated person.

5. Learned State counsel could not bring to the notice of this Court that the order passed by the Division Bench is stayed or set aside.

6. In view of the above, the petition is also allowed on the same terms as in the case of Lakhanram Sahu and others Vs. State of Chhattisgarh and others in Writ Appeal No.281 of 2013 and batch of cases vide order dated 26.02.2015.

Sd/-
(Manindra Mohan Shrivastava)

J U D G E