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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.34 of 2016**

Sumendi Ram, S/o late Binjhwar, aged about 65 years, retired permanent unskilled Labour, Public Works Department, Dongargarh, Division Khairagarh, District Rajnandgaon, R/o Village & Post Devkatta, Police Station Dongargarh, Tahsil Dongargarh, District Rajnandgaon. **---- Petitioner**

Versus

1. State of Chhattisgarh, through Secretary, Public Works Department, Mahanadi Bhawan, New Raipur, District Raipur.
2. Engineer-in-chief, Public Works Department, Mahanadi Bhawan, New Raipur, District Raipur.
3. Executive Engineer, Public Works Department, Division Khairagarh, District Rajnandgaon.
4. Sub-Divisional Officer, Public Works Department, Dongargarh, District Rajnandgaon (CG) **---- Respondents**

For Petitioner : Shri F.S. Khare, Advocate.
 For Respondent : Shri Y.S. Thakur, Dy.A.G.

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

08/01/2016

(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 Rules, 1979 (for short 'the Rules, 1979'). The petitioner was regularized on 19.08.2008 and thereafter, retired on 31.05.2012.

(2) Learned counsel 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, petitioners temporary service be taken into account to reckon pensionable service and the petitioners 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