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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 76 of 2016**

1. Radheshyam, S/o. Late Ramdayal, aged about 64 years, R/o. Village Pausari, Police Station & Post Simga, Tahsil Simga, Civil & Revenue District Baloda Bazar (C.G.)
2. Brij, S/o. Late Pran, aged about 67 years, R/o. Village Pausari, Police Station & Post Simga, Tahsil Simga, Civil & Revenue District Baloda Bazar (C.G.)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through - Secretary, Public Works Department, Mahanadi Bhawan, Naya Raipur, Civil & Revenue District Raipur (C.G.)
2. Chief Engineer, Public Works Department, Division Raipur, District Raipur (C.G.)
3. Executive Engineer, Public Works Department, Division Baloda Bazar, District Baloda Bazar (C.G.)
4. Joint Director, Department of Treasure, Account & Pension, Pension Bada, Raipur (C.G.)

---- Respondents

For Petitioner : Shri Ashok Patil, Advocate.
 For Respondents/State: Shri Y.S. Thakur, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****13/01/2016**

(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').

(2) Learned counsel for the petitioners would further submit that

the petitioners' past service, prior to the date of regularization, is 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 26.2.2015 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, petitioners' 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, however, he would submit that the State is considering to file a review petition.

(4) In view of the above, the writ petition is disposed of with a direction that on fresh representation 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.281/13 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

D/-