

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6394 of 2016**

Joyedha Ram Rathore S/o Late Bhaiya Ram Rathore, Aged About 65 Years Retd. Labourer, R/o Village Ashaunda, Post Nondorekala, P.S. And Tahsil Sakti, Civil And Revenue Distirct Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya New Raipur Chhattisgarh
2. The Chief Executive Engineer, Public Works Department, Bilaspur, National Highway Chhattisgarh
3. The Superintending Engineer, Public Works Department, Bilaspur Chhattisgarh
4. The Executive Engineer, Public Works Department, Champa Division, District Janjgir Champa Chhattisgarh
5. The Sub Divisional Officer, Public Works Department Sub Diviaion Sakti, Distirct Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner	:	Shri Atanu Ghosh, Advocate.
For Respondent/State	:	Shri Garry Mukhopadhyaya, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****24/11/2016**

Heard on admission.

- (1) The petitioner has filed this petition seeking a direction to respondents to prepare pension case and pay pension.
- (2) Submission of learned counsel for the petitioner is that the petitioner was regularized vide order dated 25.08.2008. He was prematurely retired which order was challenged successfully before this Court and vide order dated 20.09.2005, the petition was allowed in terms of order dated

15.09.2015 passed in Writ Petition No.93 of 2005. The petitioner was again reinstated and thereafter allowed to continue till the age of superannuation and retired on 30.09.2012.

(3) As the petitioner was regularized on the post of unskilled labour, obviously the post is borne in the Work-charged Contingency Establishment and not in the regular Establishment. In respect of the regular workers in the Contingency Establishment also Work Charged and Contingency Paid Employees Pension Rules, 1979 are applicable. In order to earn pensionable service, in the contingency establishment, an employee required to complete statutory minimum period of service before he can be granted benefit of pension. Therefore, in these circumstances, the claim of the petitioner is required to be considered by the respondent. If the petitioner has completed the period of pensionable services as prescribed under the Work Charged and Contingency Paid Employees Pension Rules, 1979, the respondent shall proceed to prepare and pay pension to the petitioner as per the rules with effect from the date of his retirement immediately after 30.09.2012. The entire exercise should be completed within a period of four months. The other retiral benefits, if found due and pensionable under the Rules, shall also be considered by the respondents.

(4) The petition is finally disposed off.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-