

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2485 of 2016**

1. Smt. Fulu Bai Gond W/o Thanwar, Aged About 64 Years R/o Village & Post Tarrighat, Police Station & Tahsil Rajim, District Gariyaband, (Chhattisgarh)
2. Smt. Bisaiya Bai Sahu, W/o Rameshar, Aged About 64 Years R/o Village Sargod, Poost Jamgaon, Police Station Fingeshwarpur, Tahsil Rajim, District Gariyaband, (Chhattisgarh)
3. Smt. Dulari Bai, D/o Kunjlal Vishwakarma, Aged About 64 Years R/o Village & Post Beltukri, Police Station & Tahsil Rajim, District Gariyaband, (Chhattisgarh)
4. Punit, S/o Gopal Sahu, Aged About 64 Years R/o Village Khairjhitti, Police Station Fingeshwarpur, Tahsil Rajim, District Gariyaband, (Chhattisgarh)
5. Smt. Jamuna Bai, W/o Piluram Sahu, Aged About 64 Years R/o Village Sargond, Post Office Jamgaon, Police Station Fingeshwarpur, Tahsil Rajim, District Gariyaband, (Chhattisgarh)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. The Executive Engineer, Public Works Department, Gariyaband, District Gariyaband, (Chhattisgarh)
3. The Sub Divisional Officer, Public Works Department, Division, Rajim, District Gariyaband, (Chhattisgarh)

---- Respondents

For Petitioners	:	Mr. Avinash Chand Sahu, Advocate.
For Respondents-State	:	Mr. R.K. Gupta, Dy. Advocate General

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****19/08/2016**

Heard.

1. The petitioners in the present petition are claiming that after their regularization in services, the period of services rendered by them 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 petitioners 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 petitioners, in this petition before the Court claim that their cases are similarly situated, therefore, the same benefit should also be extended by the respondent-State to them in the same manner as has been directed by this Court.

3. Learned State counsel submits that though the cases of the petitioners are 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 cases of the petitioners are similar to those petitioners, whose cases have already been decided by the Division Bench, the petitioners are 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, this 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)
Judge