

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.843 of 2016**

Smt. Gouri Bai Sidar, W/o Shri Sunderlal, aged about 64 years,
R/o Village & Post Gadumariya, P.S.Jutemill, Tahsil, Civil &
Revenue District Raigarh (CG).

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Chief Secretary, Public Works Department, National State Roadways, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG).
2. Engineer-in-Chief, PWD, National State Roadways, Government of Chhattisgarh, Raipur, District Raipur (CG).
3. The Superintending Engineer, PWD, National State Roadways Bilaspur, Division Bilaspur, District Bilaspur (CG).
4. The Executive Engineer, PWD National State Roadways, Raigarh, Division Raigarh, District Raigarh (CG).
5. The Sub-Divisional Engineer, PWD, National State Roadways, Raigarh, Sub-Division Raigarh, Tahsil & District Raigarh (CG).

---- Respondents

For Petitioner	: Shri Rakesh Anthony, Advocate.
For Respondent	: Shri Neeraj Kumar Sharma, Dy.G.A.

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

18/03/2016

(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 Rule, 1979 (for short 'the Rules, 1979'). The

petitioner was regularized on 20.08.2008.

(2) Learned counsel appearing 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, she 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, petitioner's 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.

(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

L/-