

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2100 of 2016

Mahettar Ram Yadav S/o Vishambhar Yadav, Aged About 65
Years Retd. Labourer, R/o Village Dongiya Portha, P.S. And
Tahsil Sakti, Civil And Revenue District 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
Division Sakti, District Janjgir Champa (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri A.K. Shukla, Advocate
For Respondent-State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/08/2016

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 as unskilled labour 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. In this case, time was granted to learned State counsel to file return and despite last opportunity granted, no reply has been filed.

4. 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.

5. The petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge