

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3554 of 2016

- Sukhdev Yadav S/o Late Gajanand Yadav, Aged About 64 Years
R/o Vilalge Pathandhodgi, Post Belargondi, Tahsil Chhuriya, District
Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Public Works Department,
Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Executive Engineer, Public Works Department (Bha/sa) Division
Rajnandgaon District Rajnandgaon Chhattisgarh
3. Sub Divisional Officer, Public Works Department (Bha/sa), Sub
Division No 2 Rajnandgaon District Rajnandgaon Chhattisgarh
4. Joint Director, Pension And Accounts Treasury Department, Durg,
District Durg Chhattisgarh

---- Respondents

For Petitioner : Mr. P.P. Sahu, Advocate
For State : Mr. S.P. Kale, Dy. Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

10/08/2016

Heard.

1. The petitioner in this petition is claiming that after his regularization in services, the period of services rendered by him 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 petitioner 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 petitioner,

in this petition, before the Court claim that his case is similarly situated, therefore, the same benefit should also be extended by the respondent-State to him in the same manner as has been directed by this Court.

3. Learned State counsel submits that the State has filed SLP before the Supreme Court and the matter is pending before the Supreme Court. He could not bring to the notice of this Court that the judgment of Division Bench has been stayed or set aside.
4. In view of the above submission, the petitioner is also entitled to similar relief on the basis of legal position as adumbrated vide order dated 26.02.2015 by the Division Bench in batch of cases Writ Appeal No. 281 of 2013 and other cases subject to verification of the fact regarding petitioners' regularization in service.
5. The petition is accordingly allowed on 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