

sNAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No.5049 of 2015**

Smt. Basanti Bai, aged about 58 years, W/o. Late Shri Janak Ram Sahu, R/o Gram & Post Kopra, Tahsil Rajim, District Gariyaband (CG).  
**---- Petitioner**

**Versus**

1. State of Chhattisgarh, through the Secretary, Water Resource Department, Mantralaya, Mahanadi Bhavan, New Raipur.
2. The Chief Engineer, Mahanadi Kachhar, Water Resources Department, Government of Chhattisgarh, Near Raj Bhawan, Raipur, District Raipur.
3. The Executive Engineer, Water Resources Department, District Bemetara (CG).

**---- Respondents**

For Petitioner : Shri Rakesh Anthony, Advocate.  
 For Respondent : Shri Y.S. Thakur, Dy.A.G.

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

**04/01/2016**

(1) Learned counsel for the petitioner would submit that the petitioner's husband was the employee of work-charge and contingency paid Employee, 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 Rules, 1979 (for short 'the Rules, 1979'). The respondents had regularized the services of the petitioner's husband since 14.08.2008. During the services period, the husband of the petitioner died on 29.04.2011.

(2) Learned counsel for the petitioner would further submit that the past services of the petitioner's husband, prior to the date of regularization, is not counted for the purposes of granting pension and as such, the petitioner 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, petitioners temporary service be taken into account to reckon pensionable service and the petitioners 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

