

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5213 of 2016

Smt. Durpat Bai D/o Late Chainu Gond, Aged About 68 Years R/o Village Barehtola, Post Kokpur, Tahsil Dongargaon, Distirct Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The 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), Division Rajnandgaon, District Rajnandgaon Chhattisgarh
4. Joint Director, Pension And Accounts Treasury Department, Durg District Drug Chhattisarh

---- Respondents

For Petitioner	:	Shri P.P. Sahu, Advocate
For State	:	Shri Dheeraj Wankhede, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/09/2016

Heard on admission.

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 Rules, 1979 (for short "the Rules, 1979"). The petitioner was regularized on 20.08.2008 and thereafter retired on 31.05.2010.
2. Learned counsel 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, he has been declared ineligible for pension. Learned counsel would refer to the order passed by the Division Bench of this Court decided on 26.02.2005 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 off 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/-

(Manindra Mohan Shrivastava)
J U D G E