

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4811 of 2016**

Siyaram Sahu S/o Late Seuk Ram Aged About 63 Years Retired Pump-Operator, R/o Village-Jhulna, Post-Marol, Police Station Nandghat, District-Bemetara, Chhattisgarh.

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Water Resources, Mahanadi Bhawan New Raipur, District Raipur (Chhattisgarh)
2. Chief Engineer, Hasdev Kachhar, Water Resources Department, Bilaspur, District-Bilaspur, Chhattisgarh.
3. Superintending Engineer, Water Resources Division Bilaspur District-Bilaspur, Chhattisgarh.
4. Executive Engineer, (E&m) Light Machinery, Nalkoop, & Gate, Division Bilaspur, District-Bilaspur, Chhattisgarh.
5. Sub Divisional Officer, (E&m) Light Machinery, Nalkoop, & Gate, Sub Division Sakri, District-Bilaspur, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. F.S. Khare, Advocate
For Respondent-State	:	Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****16/09/2016**

Heard on admission.

1. The petitioner claims benefit of the services rendered by him after completion of five years, as temporary services, for the purposes of counting the same as pensionable service in view of the order of the **Division Bench passed on 26.02.2015 in Writ Appeal No.281 of 2013 (Lakhanram Sahu and others Vs. State of Chhattisgarh and others)** and batch of writ appeals.

2. In the case of *Lakhanram Sahu (supra)*, the Division Bench held that those who were worked in the work-charged establishment for five years acquired 'temporary' status. It was further held that those, who have acquired 'temporary' status after five years under Rule 4(2)(b) of the Contingency Paid Employees Rules, 1975, under instructions dated 02.03.2005, the period spent in 'temporary' service had to be taken into account to reckon pensionable service.

3. The legal position has been settled by the Division Bench of this Court and the case of the petitioner, therefore, requires to be scrutinized and examined on his own facts with regard to his date of appointment, establishment where he has been appointed and upon verification of facts, if it is found that the petitioner is also similarly situated similar benefit as has been granted in the case of *Lakhanram Sahu (supra)*, shall also be extended in favour of the petitioner.

4. Considering that the petitioner was a low paid employee and retired on 30.04.2013, respondent No.2 shall decide the matter within a period of three months from the date of receipt of copy of this order.

5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge