

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (S) No.5592 of 2016

1. Smt. Pawan Bai W/o Late Dwiarika Sahu, Aged About 62 Years R/o Village & Post Kirvai, Police Staiton & Tahsil Rajim Distirct Gariyaband Chhattisgarh
2. Smt. Bitawan Bai W/o Late Shyamlal Sahu, Aged About 62 Years R/o Village Sukhabandha, Post Sursabandha, Police Station & Tahsil Rajim, Distirct Gariyaband Chhattisgarh
3. Smt. Rani Bai W/o Late Tejram Sahu, Aged About 63 Years R/o Village Semhartara, Post Kirvai Police Staiton & Tahsil Rajim, Distinct Gariyaband Chhattisgarh
4. Smt. Gulapi Bai Sahu, W/o Late Pitamber, Aged About 62 Years R/o Village Devgaon, Post Belar, Police Station& Tahsil Rajim, District Gariyaband Chhattisgarh
5. Smt. Sukhiya Bai W/o Late Santram Dhiwar, Aged About 63 Years R/o Village & Post Basin, Police Station & Tahsil Rajim, District Gariyaband Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mantralaya, New Raipur, Distirct Raipur Chhattisgarh
2. The Executive Engineer, Water Resources Department, Gariyabadn Distinct Gariyaband Chhattisgarh
3. The Sub Divisional Officer, Water Resources Division, Gariyaband, District Gariyaband Chhattisgarh
4. The District Treasury and Pension Department, District Gariyaband Chhattisgarh

---- Respondents

And

WP(S) No. 5604 of 2016

1. Smt. Surja Patel W/o Late Suraj Patel, Aged About 62 Years R/o Village Khisora, Post Hasda, No 1, P.S. & Tahsil Magarlod, Distirct Dhamtari Chhattisgarh
2. Smt. Chhagan Bai Sinha, W/o Late Genduram Sinha, Aged About 62 Years R/o Village Bhendri, Post Bhendri P.S. Nawapara Tehsil Magarlod, Distirct Dhamtari, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary Water Resources Department Mantralaya, New Raipur, District Raipur Chhattisgarh
2. The Executive Engineer, Water Resources Department, Dhamtari, Distirct Dhamtari Chhattisgarh
3. The Sub Divisional Officer, Water Resources Division, Magarlod, Distirct Dhamtari Chhattisgarh
4. The District Treasury and Pension Department, Distirct Dhamtari Chhattisgarh

And

WP(S) No. 5618 of 2016

Smt. Dhela Bai W/o Late Puneram, Aged About 62 Years R/o Village Dhuma, Post Baronda, Police Staiton Rajim, Distirct Gariyaband Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. The Executive Engineer, Water Resources Department, Dhamtari, Distirct Dhamtari Chhattisgarh
3. The Sub Divisional Officer, Water Resources Division, Gariyaband, Distirct Gariyaband Chhattisgarh
4. The District Treasury And Pension Department, Distirct Gariyaband Chhattisgarh

---- Respondents

For Petitioners	: Mr.Goutam Khetrapal, Advocate
For State	: Ms Ashtha Shukla, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

05/12/2016

1. Heard.
2. The petitioners in the aforesaid three petitions are claiming that after their regularization in services, the period of services rendered by them 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”).

3. Learned counsel for the petitioners 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 petitioners, in these two petitions, before the Court claim that their cases are similarly situated, therefore, the same benefit should also be extended by the respondent-State to them in the same manner as has been directed by this Court.
4. Learned State counsel submits that though the cases of the petitioners are also similar to the petitioners in the above referred cases, he informs that the State has filed SLP before the Supreme Court and the matter is still pending before the Supreme Court.
5. Once it is not disputed that the cases of the petitioners are similar to those petitioners, whose cases has already been decided by the Division Bench, the petitioners are also entitled to the same benefit as given to the similar situated person.
6. Learned State counsel could not bring to the notice of this Court that the order passed by the Division Bench is stayed or set aside.
7. In view of the above, these aforesaid petitions are also allowed on the 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/-

(Sanjay K Agrawal)
Judge

B/-