

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.6530 of 2016**

Sukharu Jaisawal S/o Shri Hathar Jaisawal, Aged About 63 Years R/o Village & P/o. Masaniya Kalan, P. S. & Block Sakti, District Janjgir Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralay, Naya Raipur, District Raipur Chhattisgarh.
2. Superintendent Engineer, Public Works Department, National Highway Zone, Bilaspur, Chhattisgarh.
3. Executive Engineer, Public Works Department, National Highway Division, Bilaspur, Chhattisgarh.
4. Sub Divisional Officer, Public Works Department, National Highway Sub- Division, Raigarh, District Raigarh, Chhattisgarh.
5. Joint Director, Treasury, Accounts And Pension, Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner : Shri Jeet Patel, Advocate.
For State : Shri Gary Mukhopadhyay, Dy.G.A.

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

01/12/2016

(1) Learned counsel for the petitioner would submit that the petitioner was 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 Rule, 1979 (for short 'the Rules, 1979'). The petitioner was regularized on 26.08.2008 and thereafter retired on

30.06.2015.

(2) Learned counsel appearing 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 26.02.2015 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, 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 of with a direction that on a fresh representation being filed by the petitioner within a period of four weeks, the respondents shall decide the petitioner's entitlement to pension, in accordance with law laid down by this Court in Writ Appeal No.281/2013 within a further period of three months, subject to verification of facts of any other order passed by the Division Bench or the Supreme Court on the issue.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-