

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4488 of 2016

Chhedin W/o Laxman Aged About 63 Years Village, Gurihari, Police-Station
And Tahsil Sarangarh, Civil And Revenue District- Raigarh, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Works Department,
Mahanadi Bhawan Naya Raipur, District-Raipur, Chhattisgarh.
2. Chief Engineer Public Works Department Public Works Department, P.W.D.
Division Raipur, District -Raipur, Chhattisgarh.
3. Executive Engineer Public Works Department, P.W.D. Division Raigarh,
District -Raigarh, Chhattisgarh.
4. Sub Divisional Officer Public Works Department, P.W.D. Division Sarangarh,
District-Raigarh, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Sanjeev Kumar Sahu, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/09/2016

Heard learned counsel for the petitioner.

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 23.8.2008 and thereafter she retired on 31.08.2014.

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, she 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, the petitioners temporary service be taken into account to reckon pensionable service and the appellants of the said 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.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge