

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3260 of 2017

1. Jogiram Yadav S/o Vishram Aged About 63 Years Retired Permaner Gangman, Public Works Department, Saja, Sub Divisiona- Navagarh, District- Bementara, Chhattisgarh.
2. Amrika S/o Ananda Sahu Retired Permaner Gangman, Public Works Department, Saja, Sub Divisiona- Navagarh, District- Bementara, Chhattisgarh
3. Baisakhu S/o Same Sahu Retired Permaner Gangman, Public Works Department, Saja, Sub Divisiona- Navagarh, District- Bementara, Chhattisgarh
4. Ram Jivan Lodhi S/o Kejaram Aged About 64 Years Retired Permanent Gangman, Public Works Department, Saja, Sub Divisiona- Navagarh, District- Bementara, Chhattisgarh
5. Tiiharu Ram S/o Joidha Lodhi Aged About 64 Years Retired Permanent Gangman, Public Works Department, Saja, Sub Divisiona- Navagarh, District- Bementara, Chhattisgarh
6. Feraha Ram Sahu S/o Bisaru, Aged About 64 Years Retired Permanent Gangman, Public Works Department, Saja, Sub Divisiona- Navagarh, District- Bementara, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Public Works, Department, Mantralaya, Mahanadi Bhawan, Naya Raipru, District- Raipur, Chhattisgarh.
2. Chief Engineer, Public Works Department, Public Works Department,mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
3. Executive Engineer , Public Works Department, Bemetara, District- Bemetara, Chhattisgarh.
4. Sub-Divisional Officer, Public Works Department,sub- Division- Saja, District- Bemetara, Chhattisgarh.
5. Joint Director, Department Of Treasure, Accounts And Pension, Pension Bada, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Sanjay Patel, Advocate
For State	:	Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24.07.2017

The petitioners have filed this petition seeking issuance of direction for consideration of their application for grant of pension.

2. Learned counsel for the petitioners submits that in view of the order of the Division Bench passed on 26/02/2015 in W.A. No.281/2013 (*Lakhanram Sahu and ors. Vs. State of Chhattisgarh and ors.*) and batch of appeals, the period of services rendered by the petitioners after completion of five years of contingency service are required to be treated as temporary and consequently for pension purposes. He submits that otherwise also, as the petitioners had completed six years of service after their regular appointment, they are entitled to pension in view of provisions contained in Pension Rules, 1979.

3. Learned State counsel submits that though there is no quarrel with the legal proposition in the judgments of this Court, whether the petitioners are entitled to the benefit, would depend upon whether the petitioners are similarly situated and verification of facts with regard to date of appointment, regular appointment and date of retirement.

4. Considering the submission, this petition is disposed off with a direction to the respondents to consider petitioners' case in the light of order dated 26/02/2015 passed in W.A.No.281/2013 and batch of petitions and upon verification of facts, if it is found that the petitioners are similarly situated, same benefit shall be extended to the petitioners in accordance with law.

5. Considering that the petitioners have already retired as contingency employee, it is directed that decision should be taken within an outer limit of three months from the date of receipt of copy of this order.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**