

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5424 of 2017

Shriram S/o Late Ghasiram, Aged About 64 Years R/o I T I Baigidbhar,
Block Korba, District Korba Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department,
Mahanadi Bhawan, Mantrayalaya, New Raipur District Raipur
Chhattisgarh.
2. Executive Engineer, Public Works Department, Division Korba, District
Korba Chhattisgarh.
3. Sub Divisional Officer, Public Works Department, Division Korba, District
Korba Chhattisgarh.
4. Joint Director, Treasury, Accounts, And Pension, Bilaspur District Bilaspur
Chhattisgarh. **--- Respondents**

For Petitioner	:	Mr. CJK Rao, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/10/2017

Heard.

1. Learned counsel for the petitioner seeks to withdraw Annexure P/5.
2. Annexure P/5 shall not form part of record.
3. 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 Rules, 1979 (for short 'the Rules, 1979'). The petitioner was regularized on 23.08.2008 and thereafter, retired on 30.04.2015.

4. 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, he has been declared ineligible for pension. Learned counsel would refer to the order passed by the Division Bench of this Court decided on 26.2.2015 in Writ Appeal No.281/13 and other connected matters, wherein this Court has held that in view of the State Government's instructions dated 2.3.2005, 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.
5. Learned counsel for the respondents would not dispute the legal decision as has been laid down by the Division Bench.
6. In view of above, the writ petition is disposed off with a direction that on fresh representation being filed by the petitioner within a period of 4 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, subject to verification of facts or any other order passed by the Division Bench or the Supreme Court on the issue.

Sd/-
(Manindra Mohan Shrivastava)
Judge