

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5757 of 2017

Smt. Harbai Sahu W/o Late Narottam Sahu Aged About 58 Years
R/o Village & Post Koyada, District Balodabazar Bhatapara
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resource
Department Mahanadi Bhawan, New Raipur Chhattisgarh
2. Executive Engineer, Water Resource Department, Division -02,
District Balodabazar- Bhatapara Chhattisgarh
3. Sub Divisional Officer, Water Resource Department, Sub Division
No. 06, Balodabazar, District Balodabazar - Bhatapara Chhattisgarh

---- Respondents

For Petitioner : Mr. Somkant Verma, Advocate.

For State : Mr. A. S. Kachhawaha, Addl. A. G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

22/11/2017

1. Learned counsel for the petitioner would submit that the petitioner's husband was the employee of work charged and contingency paid establishment, having been earlier appointed as daily wagers 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's husband was regularized in the year 2008 and thereafter retired.

2. Learned counsel for the petitioner would further submits that the petitioner's husband'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 26-2-2015 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, petitioners temporary services 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. He would however submit that before extending the benefit, issue will require verification of facts from the service records of the petitioner and If she is found fit appropriate benefit may be extended to the petitioner 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.

4. In view of the above, the writ petition is disposed of with a direction that on fresh representations being filed by the petitioner within a period of four weeks, the respondents shall decide petitioners' entitlement to pension, in accordance with the law laid down by this Court in Writ Appeal No.281/13 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