

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5707 of 2017

Smt. Dulaurin Bai Sahu W/o Late Pardeshi Sahu, Aged About 58 Years R/o
Village Ranisagar & Post Banrasi, Thana Arang, District Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Works Department
Mahanadi Bhawan, New Raipur, Chhattisgarh
2. Executive Engineer, Public Works Department, Division No.02, Raipur, District
Raipur, Chhattisgarh
3. Sub Divisional Officer, Public Works Department, Sub Division No.04, Arang,
District Raipur, Chhattisgarh
4. Joint Director, Treasury Account & Pension, Raipur, District Raipur,
Chhattisgarh

---- Respondents

For Petitioner	:	Shri Somkant Verma, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

01/11/2017

Heard.

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 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's husband was regularized in the year 2008. He died on 15.6.2014.
2. Learned counsel for the petitioner would further submit that past services of petitioner's husband, 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 26.02.2005 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 position as has been laid down by the Division Bench.
4. In view of the above, the writ petition is disposed off 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, subject to verification of facts.

Sd/-
(Manindra Mohan Shrivastava)
Judge