

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5756 of 2017

1. Bahur Ram S/o Late Mahettar Ram Aged About 67 Years R/o Village & Post Bhendry & Thana Magarload, District Dhamtari Chhattisgarh
2. Ramji S/o Late Supet Kanwar Aged About 67 Years R/o Village Nawagaon & Post Dhaurabhata, Thana Magarload, District Dhamtari Chhattisgarh
3. Narayan Lal S/o Late Darbari Ram Aged About 67 Years R/o Village & Post Bhendry & Thana Magarload District Dhamtari Chhattisgarh
4. Ganesh Ram Pal Late B. R. Pal Aged About 65 Years R/o Village Amlibhata, Post Hasda No. 1, Thana Magarload, District Dhamtari Chhattisgarh
5. Dashrath Dhurw S/o Late Phiranta Dhurw, Aged About 67 Years R/o Village Amlibhata Post Hasda No. 1 Thana Magarload District Dhamtari Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resource Department Mahanadi Bhawan, New Raipur Chhattisgarh
2. Executive Engineer, Water Resources Department, Dhamtari Division, District Dhamtari (Chhattisgarh).
3. Sub Divisional Officer, Water Resource Department, Sub Division Parswani (Magarload) District Dhamtari 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 petitioners would submit that the petitioners were 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 petitioners were regularized in the year 2008 and thereafter retired.

2. Learned counsel for the petitioners would further submit that the petitioners' past service, prior to the date of regularization, is not counted for the purposes of granting pension and as such, they have 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. If he is found fit appropriate benefit may be extended to the petitioner 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 petitions are disposed of with a direction that on fresh representations being filed by the petitioners 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