

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2768 of 2017

Jagmali Kashyap S/o Late Nanki Dadu, Aged About 62 Years Retired From The Post Of Watchman, Office Of Sub Divisional Officer, Public Works Department, Sub Division Korba, District Korba (Chhattisgarh).

---- Petitioner

Versus

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

---- Respondents

For Petitioner	:	Shri Harish Khuntiya, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

S.B. Hon'ble Shri Justice P. Sam Koshy

Order On Board

30/06/2017

Heard.

1. At the outset, learned counsel for the petitioner submits that the matter is similarly placed as an order passed by the Court in WPS No. 4902 of 2016 on 20.09.2016 and prays for a similar order.
2. Learned counsel for the petitioner would submit that the petitioner 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 was regularized on 14.02.2005 and thereafter retired on 30.04.2017.

3. 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 26.02.2005 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.
4. Learned counsel for the respondents would not dispute the legal decision as has been laid down by the Division Bench.
5. 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 or any other order passed by the Division Bench or the Supreme Court on the issue.

Sd/-
(P. Sam Koshy)
Judge