

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 2798 OF 2017

1. Somnath, S/o Suhela, aged about 68 years, R/o Village Kaldhabari, Post Mahrum, Tahsil Dongargaon, District Rajnandgaon (C.G.)
2. Patiram, S/o Late Hiralal, aged about 67 years, R/o Khamhartola, Tahsil- Daondi, District Balod (C.G.)
3. Khorbahra Ram, S/o Gwal Halba, aged about 70 years, R/o Faradih, Tahsil- Daondilohara, District Balod (C.G.)
4. Dukhram, S/o Baliyar Sahu, aged about 65 years, R/o Village- Karutola, Tahsil- Daondi, District Balod (C.G.),
5. Samaru Ram, S/o Ujiyar Samaroo Halba, Ujiyar, aged about 64 years, R/o Bodki (Belmad), Tahsil and District Balod (C.G.)

... Petitioners

Versus

1. State of Chhattisgarh, through the Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur (C.G.)
2. Executive Engineer, Public Work Department, Division, (BH/S.) Division, Balod, District Balod (C.G.)
3. Joint Director, Treasury, Account and Pension, District Durg (C.G.)

... Respondents

For Petitioner	:	Mr. Krishna Kumar Dewangan, Advocate.
For Respondents	:	Mr. Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/07/2017

1. The Petitioners in the present writ petition have sought for a direction to the Respondents for considering their case for grant of pension taking into account the services that they have rendered prior to their regularization under the Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979 (hereinafter referred to as 'the Pension Rules, 1979')
2. Learned Counsel for the Petitioners relies upon the judgment of the Division Bench of this High Court passed in Writ Appeal No. 1073 of 2012 and other analogous writ appeals, decided on 26.2.2015. It is further contended that the said judgment of the Division Bench has also been affirmed by the Hon'ble Supreme Court wherein the Special Leave Petition of the State Government has been dismissed.

3. Learned Counsel for the Petitioners submits that the Petitioners have rendered more than 25 years of service with the Respondents and at the fag end of their service they were regularized. The Petitioners in the present writ petition have been regularized in service and rendered their services as regular employees as is required under the Pension Rules, 1979. The Petitioners claim before this Court that their case being similarly situated as per the order dated 26.2.2015 passed by the Division Bench in Writ Appeal No. 1073 of 2012, the same benefit may also be extended by the Respondents to them in the same manner as has been directed by this Court.

4. Learned Counsel for the State does not oppose the factual matrix of the case and submits that the matter is similar to the aforesaid judgment passed by the Division Bench and the matter may be disposed of on similar terms. However, he submits that the Petitioners do not have qualifying service required for grant of pension under the Pension Rules, 1979 applicable upon the category of employees to which the Petitioners belonged.

5. Accordingly, the present writ petition is disposed of, with a direction to the Respondents to consider the case of the Petitioners in the light of the judgment of the Division Bench passed in Writ Appeal No. 1073 of 2012, dated 26.2.2015. Subject to the verification of the factual matrix of the Petitioners' case and if it being identical to the appellants in the said writ appeal, the Petitioners also be extended the similar relief at the earliest preferably within a period of 90 days from the date of receipt of certified copy of this order.

Sd/-
(P. Sam Koshy)
Judge