

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.2837 of 2017

- Dauva Ram Yadav S/o S/o Shri Sitaram Yadav, Aged About 65 Years Retired As Labour, Sub Division No. 2 Public Works Department Rajnandgaon, District Rajnandgaon (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh State Of Chhattisgarh Through The Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, Raipur, District Raipur (Chhattisgarh)
2. Director, Treasury, Account And Audit Department, Raipur District Raipur (Chhattisgarh)

---- Respondents

For Petitioner : Shri Anup Majumdar, Advocate
For Respondent/State: Shri Satish Gupta, GA

Hon'ble Shri Justice P. Sam Koshy

Order On Board

05-07-2017

Heard.

2. The petitioner in the present writ petition has sought for direction to respondents for considering the case for grant of pension taking into account the services that he had rendered prior to regularization under the Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979 (hereinafter referred to as 'the Pension Rules, 1979').
3. Learned counsel for the petitioner relied upon the judgment of the Division Bench of this Court in Writ Appeal No.1073 of 2012 and other analogous writ appeals decided on 26.02.2015. It is further contended that the said judgment of the Division Bench has also been affirmed by the Supreme Court whereby SLP of the State Government has been dismissed.
4. Learned counsel for the petitioner submits that the petitioner herein, rendered more than 25-30 years of services with the respondents and at the fag end of the

petitioner's services, he was regularized. The petitioner in the present writ petition has been regularized in service and rendered services as a regular employee as is required under the Pension Rules, 1979. The petitioner, in this petition, before the Court claims that his case being similarly situated as per the order dated 26.02.2015 passed by this Court in Writ Appeal No.1073 of 2012, therefore, the same benefit may also be extended by the respondent-State to him in the same manner as has been directed by this Court.

5. The State counsel does not oppose the factual matrix of the case and submits that the matter is similar to the judgment passed by the Division Bench of this Court and the matter may be disposed off on similar terms.

6. Accordingly, the present writ petition stands disposed off with the direction to the respondents to consider the case of the petitioner in the light of the judgment of the Division Bench of this Court passed in Writ Appeal No.1073 of 2012 dated 26.02.2015. In the event, if the factual matrix of the petitioners' case being identical to the appellants in the writ appeal, the petitioner should also be extended the similar relief at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.

SD/-
(P.Sam Koshy)
J U D G E