NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3553 of 2017

1. Sampat Ram S/o Boharan, Aged About 60 Years R/o Village Baradehi, Post Markatedha, Tehsil Kanker, District North Baster Kanker, Chhattisgarh.

2. Budhram, S/o Rhipal, Aged about 61 years, R/o Village Padarhi Post Naras Navagaov, Tahsil Kanker, District North Bastar Kanker (C.G.)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Water Resource Department, Mantralay, D. K. S. Bhawan, Raipur District Raipur (Chhattisgarh)

2. Engineer In Chief, Water Resources Department, Sinhawa Bhawan, Raipur, District Raipur, (Chhattisgarh)

3. Chief Engineer, Mahanadi Project, Circle Jagdalpur District Jagdalpur Chhattisgarh

4. Executive Engineer, Water Resources Department, Division No. 2, Kanker District North Baster Kanker, Chhattisgarh. ...**Respondents**

For Petitioners : Mr. Vikram Dixit, Advocate
For State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/08/2017

Heard.

1. The petitioners, who are working as Watchman under the respondents in Work Charged and Contingency Paid Establishment, have filed this petition for a direction to respondents to consider petitioners' claim for reckoning the period of services rendered by them for the purposes of grant of pension under the Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979.

2. It is submitted that though the petitioners have been given a regular

employment in the Contingency Establishment with regular scale of pay, in view of the decision of the Division Bench of this Court in Writ Appeal No.281 of 2013 (Lakhanram Sahu and others Vs. State of Chhattisgarh and others) and other connected writ appeals decided on 26.02.2015, the period of services rendered as temporary service, as considered in the aforesaid decision, is liable to be counted for the purposes of pension. It is submitted that the present petition has been filed by the petitioner though they are presently continuing in employment, apprehending that the services prior to 2008 may not be counted for the purposes of pension.

3. Learned State counsel would submit that at present, apprehension of the petitioners is not well founded. It is submitted that the legal issue has been settled by this Court in the case of Lakhanram Sahu (supra) and if the petitioners have any such claim, the authority would consider the aspect and the petitioners would have a cause of action in case the benefits to which they are entitled under the law is not granted at the time of their retirement.

4. As the legal issue raised in the petition has already been settled by the Division Bench of this Court in the case of Lakhanram Sahu (supra), the respondents shall prepare the petitioners' pension case by giving appropriate treatment to the period of services of the petitioners applying the law laid down in the case of Lakhanram Sahu (supra).

5. The petition is disposed off.

Sd/-
(**Manindra Mohan Shrivastava)**

J U D G E

Rekha