

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.2744 of 2017**

Jethu Ram Kumhar S/o Shri Teerathram, age about 66 years, R/o village Darri (Basti) Katghora, Police Station Darri, Tehsil Katghora, District Korba (CG).

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary Water Resources Department, Mantralaya, Naya Raipur (CG).
2. Director, Treasure, Account and Audit Department, Raipur (CG).

---- Respondents

For Petitioner	:	Shri KPS Gandhi, Advocate.
For respondents	:	Shri Arvind Dubey, Panel Lawyer.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****29/06/2017**

1. The Petitioner was initially appointed as a Time Keeper Labour on daily wages on 16.04.1987. He was thereafter regularized under the Workcharged Contingency Establishment on 14.08.2008. He continued to work till his superannuation on 30.11.2013.
2. Grievance of the Petitioner is that in spite of the fact that he had worked with the Respondents from 1987 to 2013, he is being denied pensionary benefits on account of the fact that he does not have the requisite length of service as regular employee which is required for grant of pension.
3. Counsel for the Petitioner submits that the Petitioner's services would be governed by the Chhattisgarh (Workcharge and Contingency Paid Employees) Pension Rules, 1979. According to him, for the purpose of calculating the qualifying service, the period rendered by the Petitioner

as temporary employee under the Contingency Paid Employees Rules shall also be calculated. He further submits that the issue involved in the instant case stands squarely covered by the decision of the Division Bench of this Court in a bunch of writ appeals, the lead case being Writ Appeal No. 281 of 2013, decided on 26.2.2015, and that the present writ petition may also be disposed of in terms of the order passed by the Division Bench on 26.2.2015.

4. Counsel for the Petitioner next submits that the said order of the Division Bench, dated 26.2.2015, was subjected to challenge before the Hon'ble Supreme Court in Special Leave to Appeal (C) No. 11541-11550 of 2016 and the said Special Leave to Appeal of the State has also been dismissed on 3.3.2017 and as such the order of the Division Bench has attained finality.
5. Contention of the Counsel for the Petitioner is not disputed on facts by the Counsel for the State.
6. In view of the fact that the Hon'ble Supreme Court has also decided the issue in favour of the similar employee by dismissing the said Special Leave to Appeal of the State, this Court has no hesitation in allowing the present writ petition at admission stage itself and directing the Respondents to consider the case of the Petitioner also in the light of the order passed by the Division Bench of this Court on 26.2.2015 in Writ Appeal No. 281 of 2013 and other connected writ appeals. If the Petitioner falls within the category as has been specified in the said order, the relief of pension be released to the Petitioner forthwith without any further delay.

7. The present writ petition accordingly stands allowed.

Sd/-

(P.Sam Koshy)
Judge

inder