

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2817 of 2017

1. Smt. Kamli Bai W/o Shri Goverdhan Prasad, Aged About 63 Years R/o Village Tarri, Post Patewa, Tahsil Abhanpur, District Raipur (Chhattisgarh).
2. Shivprasad S/o Kapurchand, Aged About 62 Years R/o Village Piparchhedi, Post Beltukri, Tahsil Rajim, District Gariyaband (Chhattisgarh).
3. Anjor S/o Bahlu Dhruw, Aged About 62 Years R/o Village Lohajhar, Tahsil Chhura, District Gariyaband (Chhattisgarh) ---- **Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mantralaya, New Raipur, District Raipur (Chhattisgarh).
2. The Executive Engineer, Water Resources Department, Division No. 3, Raipur, District Raipur (Chhattisgarh).
3. The Sub Divisional Officer, Water Resources Division, Sub Division Abhanpur, District Raipur (Chhattisgarh).
4. The Sub Divisional Officer, Water Resources Division, Sub Division Rajim, District Gariyaband (Chhattisgarh).
5. The District Treasury And Pension Department, District Durg (Chhattisgarh).
6. The District Treasury And Pension Department, District Gariyaband (Chhattisgarh) ---- **Respondents**

For Petitioners	: Mr. Avinash Chand Sahu, Advocate
For State	: Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

04/07/2017

Heard.

1. Learned counsel for the petitioners submits that the matter is similarly placed as an order passed by the Court in WP(S) No.2775 of 2017 on 30.06.2017 and prays for a similar order.
2. The petitioners in the present writ petition have sought for direction to

respondents for considering the case for grant of pension taking into account the services that they 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 petitioners 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 petitioners submits that the petitioners, herein, rendered more than 25-30 years of services with the respondents and at the fag end of the petitioners' services, they were regularized. The petitioners in the present writ petition have been regularized in service and rendered their services as a regular employee as is required under the Pension Rules, 1979. The petitioners, in this petition, before the Court claims that their 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 them 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 petitioners 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 petitioners 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