

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1229 of 2016

Sharwan Sahu S/o Late Sukhalal Sahu, Aged About 64 Years R/o Village Dudhali
(Malighori), Tahsil Balod, District Balod, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Work Department,
Mahanadi Bhawan, Mantralaya, Naya Raipur, (Chhattisgarh)
2. Executive Engineer, Public Work Department, (B/ R) Division Balod, District
Balod, (Chhattisgarh)
3. Sub Divisional Officer, Public Work Department, (B/ R) Division No. 02, Balod,
District Balod, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Hemant Kesharwani, Advocate
For State	:	Shri A.S. Kachhawaha, Dy.A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/11/2017

Heard.

1. Learned counsel for the petitioner would submit that the issue raised in this
petition is no longer res integra and settled in view of order dated 26.2.2015
passed by 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.
2. Learned counsel for the State, referring to the stand taken in their return,
would submit that the petitioner may not be entitled to relief as the period of
service rendered by him after regularization is not minimum period of service
to earn pension under Chhattisgarh (Work-Charged and Contingency Paid

Employees) Pension Rules, 1979 (in short "Rules of 1979").

3. The stand taken by the State in the present petition must pale into insignificance in view of authoritative pronouncement of this Court in the case of *Lakhanram Sahu* (supra) . In that case, it has been very categorically held that the period of service rendered in the capacity as a temporary employee even prior to regularization is liable to be counted for the purpose of pension under the Rules of 1979.
4. In view of the above consideration, present writ petition is also allowed in terms of order passed in the case of *Lakhanram Sahu* (supra) and other connected appeals. Let the current pension of the petitioner be calculated and payment commenced preferably within a period of four weeks from the date of receipt and/or presentation of a copy of this order and the arrears to be paid within a period of 12 months from the date current pension starts.
5. A copy of the order dated 26.2.2015 passed in WA No.281 of 2013 (*Lakhanram Sahu and others Vs. State of Chhattisgarh and others*) and other connected writ appeals, be made a part of this record.

Sd/-
(Manindra Mohan Shrivastava)
Judge