

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.2840 of 2016

- Sattar Khan S/o Lalle Khan, Aged About 50 Years Working On The Post Of Peon, Forest Division Balod, District Balod (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan New Raipur, District Raipur (Chhattisgarh)
2. Principle Chief Conservator Of Forest, Department Of Forest, Head Quarter, Jail Road, Raipur District Raipur (Chhattisgarh)
3. Conservator Of Forest, Forest Circle Durg, District Durg (Chhattisgarh)
4. Divisional Forest Officer, Forest Division, Balod, District Balod Chhattisgarh.

---- Respondents

For Petitioner	:	Shri F. S. Khare, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/09/2017

Heard.

1. The petitioner in this petition is claiming that after his regularization in services, the period of services rendered by him as daily wage employee should be counted for the purposes of pension under the Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979 (for short "the Rules of 1979").
2. Learned counsel for the petitioner submits that the issue regarding entitlement of contingency employee in the matter of counting services prior to

regularization for the purposes of pension under the Rules of 1979 has been set at rest by the Division Bench's Judgment of this Court vide order dated 26.02.2015 in batch of cases Writ Appeal No.281 of 2013 and other cases. The petitioner, in this petition, before the Court claim that his case is similarly situated, therefore, the same benefit should also be extended by the respondent-State to him in the same manner as has been directed by this Court.

3. Learned State counsel submits that though the cases of the petitioner is also similar to the petitioners in the above referred cases, he informs that the State has filed SLP before the Supreme Court and the matter is still pending before the Supreme Court.

4. Once it is not disputed that the case of the petitioner is similar to those petitioners, whose cases has already been decided by the Division Bench, the petitioner is also entitled to the same benefit as given to the similar situated person.

5. Learned State counsel could not bring to the notice of this Court that the order passed by the Division Bench is stayed or set aside.

6. In view of the above, the petition is also allowed on the same terms as in the case of Lakhanram Sahu and others Vs. State of Chhattisgarh and others in Writ Appeal No.281 of 2013 and batch of cases vide order dated 26.02.2015.

SD/-
(Manindra Mohan Shrivastava)
Judge