

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4024 of 2015

1. Ferha S/o Bisaru, Aged About 55 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
2. Banshi S/o Dhelu Sahu, Aged About 57 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
3. Pardeshi S/o Thanwar, Aged About 55 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
4. Baishaku S/o Same Sahu, Aged About 59 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
5. Kanhaiya S/o Sewa Sahu, Aged About 55 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
6. Tiharu Ram S/o Joidha, Aged About 59 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
7. Vishnu S/o Jethu, Aged About 55 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
8. Durga S/o Chandu, Aged About 55 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
9. Jhagaru S/o Basant Aged About 59 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
10. Tetku S/o Parasram Sahu, Aged About 61 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
11. Jagdev S/o Paltan Rawat, Aged About 58 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
12. Narad Lal Jaiswal S/o Devcharan, Aged About 58 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
13. Ramji Gond S/o Dhanlgan, Aged About 52 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
14. Amrika Sahu S/o Ananda Sahu, Aged About 61 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
15. Goutarhin Bai W/o Vishram, Aged About 52 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
16. Nandu Ram S/o Churawan, Aged About 50 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)
17. Pancharam S/o Ram Sahay Lodhi, Aged About 45 Years Permanent Gangman, Public Works Department, Sub Division Saja, Bemetara, Distt. Bemetara (Chhattisgarh)

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. Chief Engineer, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (Chhattisgarh)
3. Executive Engineer, Public Works Department, Bemetara, Distt. Bemetara (Chhattisgarh)
4. Sub Divisional Officer, Sub Division Saja, Public Works Department, Distt. Bemetara (Chhattisgarh)
5. Joint Director, Department Of Treasure, Accounts And Pension, Pension Bada, Raipur, Distt. Raipur (Chhattisgarh)

---- Respondent

Shri Sanjay Patel, counsel for the petitioner/s.
Shri A.S.Kachhawaha, Addl. A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/08/2017

Heard.

1. The petitioners, who are working 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 petitioners 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)
Judge