

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2637 of 2017**

1. Fakaruddin Khan S/o Idumiya Khan, Aged About 68 Years R/o. Village Jawahar Ward, Nakapara, Kanker, District Kanker (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Public Work Department Mahanadi Bhawan Mantralaya, Naya Raipur (Chhattisgarh)
2. Chief Engineer, Public Work Department, National Highway Area, Raipur, District Raipur (Chhattisgarh)
3. Executive Engineer, Public Work Department, National Highway, Division Jagdalpur, District Bastar (Chhattisgarh)
4. Sub Divisional Officer, Public Work Department, National Highway, Sub Division Kanker, North Bastar Kanker (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Hemant Kesharwani, Advocate.
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer.

SB: Hon'ble Shri Justice P. Sam Koshy**Order On Board****07/07/2017**

1. The Petitioner in the present writ petition has sought for a direction to the Respondents for considering his case for grant of pension taking into account the services that he has rendered prior to his regularization under the Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979 (hereinafter referred to as 'the Pension Rules, 1979')
2. Learned Counsel for the Petitioner relies upon the judgment of the Division Bench of this High Court passed in Writ Appeal No. 1073 of 2012 and other analogous writ appeals, decided on 26.2.2015. It is further contended that the said judgment of the Division Bench has also been affirmed by the Hon'ble Supreme Court wherein the Special Leave Petition of the State Government has been dismissed.
3. Learned Counsel for the Petitioner submits that the Petitioner has

rendered more than 25 years of service with the Respondents and at the fag end of his service he was regularized. The Petitioner in the present writ petition has been regularized in service and rendered his services as regular employees as is required under the Pension Rules, 1979. The Petitioner claims before this Court that his case being similarly situated as per the order dated 26.2.2015 passed by the Division Bench in Writ Appeal No. 1073 of 2012, the same benefit may also be extended by the Respondents to him in the same manner as has been directed by this Court.

4. Learned Counsel for the State does not oppose the factual matrix of the case and submits that the matter is similar to the aforesaid judgment passed by the Division Bench and the matter may be disposed of on similar terms. However, he submits that the Petitioner does not have qualifying service required for grant of pension under the Pension Rules, 1979 applicable upon the category of employees to which the Petitioner belonged.
5. Accordingly, the present writ petition is disposed of, with a direction to the Respondents to consider the case of the Petitioner in the light of the judgment of the Division Bench passed in Writ Appeal No. 1073 of 2012, dated 26.2.2015. Subject to the verification of the factual matrix of the Petitioners' case and if it being identical to the appellants in the said writ appeal, the Petitioner also be extended the similar relief at the earliest preferably within a period of 90 days from the date of receipt of certified copy of this order.

Sd/-

(P. Sam Koshy)
Judge