

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2078 of 2013

1. Bhagirathi Sonwani And Ors. S/o Shri Kartik Ram Sonwani Aged About 45 Years Forest Guard, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
2. Khemlal Dadsena Aged About 51 Years Forest Guard, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
3. Surendra Kumar S/o Shri Dhenu Singh Sidar Aged About 53 Years Forester, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
4. Duryodhan Yadav S/o Shri Puniram Yadav Aged About 47 Years Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
5. Kapur Chand S/o Shri Chowa Ram Jaiswal Aged About 51 Years Forester, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
6. Rajendra Prasad aged about 51 years S/o Shri Chowa Ram Jaiswal Forester
7. Narayan S/o Shri Jagat Ram Nishad Aged About 54 Years Forester, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
8. Jati Ram S/o Shri Ajgar Kanwar Aged About 46 Years Forester, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
9. Hira Ram S/o Shri Haiday Ram Sahu Aged About 50 Years Forester, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
10. Mohan Lal S/o Shri Bodh Ram Sahu Van-Chowkidar, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
11. Makar Dhawaj S/o Shri Ratan Singh Yadav Aged About 55 Years Forester, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
12. Bhuwneshwar S/o Lt Shri Punit Ram Sahu Aged About 43 Years Wire Less Operator, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
13. Deena Ram S/o Shri Bhaiyya Ram Dadsena Aged About 54 Years Forester, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
14. Kheek Ram S/o Shri Pratap Singh Thakur Aged About 47 Years Forester, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
15. Makhan Lal S/o Shri Daya Ram Jagat Aged About 44 Years Forest Guard, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
16. Pokh Ram S/o Shri Preet Sahu Aged About 54 Years Forester, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
17. Shatrughan Lal S/o Shri Hari Ram Sahu Aged About 55 Years Wire Less Operator,

Forest Divisional Office, Raipur, Dist Raipur, Pin 492001

18. Ram Deo S/o Shri Tanti Ram Sahu Aged About 49 Years Forester, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
19. Sadhu Ram S/o Shri Narayan Sahu Aged About 55 Years Forest Guard, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
20. Hari Jivan Singh S/o Shri Puram Singh Thakur Aged About 53 Years Forest Guard, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001
21. Sukhram Nirala S/o Shri Duj Ram Aged About 48 Years Forest Guard, Forest Divisional Office, Raipur, Dist Raipur, Pin 492001

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through Principal Secretary Forest, Deptt Govt. Of C.G. Secretariat DKS Bhawan, Raipur, Civil Revenue Distt Raipur, Cg
2. Chief Conservator Of Forest Aranya Bhawan, Medical College Road, Ps Raipur, Dist Raipur, Cg` Pin 492001
3. Conservator Of Forest Forest Circle Raipur, Dist Raipur, Pin 492001, Cg

---- **Respondents**

Shri V.G. Tamaskar, counsel for the petitioner/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/07/2017

Heard.

1. Learned counsel for the petitioner would submit that the petitioners were employees of work charged and contingency paid establishment, having been earlier appointed as daily wagers and thereafter attained the status of temporary employee, in accordance with the Chhattisgarh (Work-Charged and Contingency paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979').
2. Learned counsel for the petitioners would further submit that the petitioners' past service, prior to the date of regularization, is not counted for the purposes of granting pension and as such, they have been declared ineligible for pension.

Learned counsel would refer to the order passed by the Division Bench of this Court decided on 26.2.2015 in Writ Appeal No.281/13 and other connected matters, wherein this Court has held that in view of the State Government's instructions dated 2.3.2005, petitioner's temporary service be taken into account to reckon pensionable service and the appellants of the said writ appeals were held entitled to pension under the Rules, 1979. Learned counsel for the petitioners also brought to the notice of this Court order dated 09/05/2017 of the Forest Department who has issued a circular towards steps to be taken for providing pensionary benefits in accordance with the verdict of this Court in W.A. No.209/2013.

3. Learned counsel for the respondents would not dispute the legal decision as has been laid down by the Division Bench.

4. In view of above, the writ petition is disposed off with a direction that on fresh representation being filed by the petitioners within a period of 4 weeks, the respondents shall decide petitioners' entitlement to pension in accordance with the law laid down by this Court in Writ Appeal No.281/2013 within a further period of three months, subject to verification of facts or any other order passed by the Division Bench or the Supreme Court on the issue.

Sd/-
(Manindra Mohan Shrivastava
JUDGE