

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1789 of 2016**

R.S. Choudhary S/o Shri Yogeshwar Choudhary, aged about 63 years
 R/o Village Devargaon, P.S. Gourela, Pendra Road, District Bilaspur,
 (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Water Resource Department, Mahanadi Bhawan, New Mantralaya, Raipur, (Chhattisgarh)
2. The Engineer In Chief, Water Resources Department, Mahanadi Bhawan, New Mantralaya, Raipur, (Chhattisgarh)
3. The Chief Engineer, Hasdeo Kacchar, Water Resources Department, Bilaspur, (Chhattisgarh)
4. The Superintendent Engineer, Land Water Conservation, Water Resource Department, Bilaspur, (Chhattisgarh)
5. Executive Engineer, Water Resources Division, Jashpur, District Jashpur, (Chhattisgarh)
6. Joint Director, Account, Treasury and Pension, Ambikapur, Surguja, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Prakash Tiwari, Advocate
For Respondents/State	:	Shri Bhaskar Payashi, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****03/01/2017**

The present petition has been filed by the petitioner seeking for a direction to the respondent for grant of regular pension in terms of the notification dated 02.03.2005 as well as the order passed in W.P.(S) No.1045 of 2014 decided by this Court on 17.04.2015.

2. The petitioner was initially appointed as a contingency paid employee

on 01.02.1978 and he was working as a Time Keeper in Water Resources Department in the State of Chhattisgarh. In due course of time, his services were regularized on 27.12.2005 and finally the petitioner superannuated from his service w.e.f. 31.10.2015.

3. Subsequently, the petitioner applied for grant of pension but the same was refused by the respondent authorities on the ground that the petitioner had not attained the qualifying service of 10 years for getting the pensionary benefits for which the present petition has been filed seeking for a proper direction to the respondents.

4. At this juncture, counsel for the petitioner submits that the issue involved in the present writ petition stands squarely covered by the decision of this Court passed in W.P.(S) No.1045 of 2014 on 17.04.2015 in the case of Naval Kishore Mishra v. State of Chhattisgarh & others. In due course of time, the said judgment of this Court has also been acted upon. Counsel for the petitioner submits that the facts involved in present case are identical to that of the case of Naval Kishore Mishra (Supra) and therefore the present petition may also be disposed of in similar terms.

5. State counsel after verifying the contents of the petition and also comparing the status of the petitioner with that of Naval Kishore Mishra case makes a submission that in fact the matter is squarely covered by the decision rendered in W.P.(S) No. 1045 of 2014. He further submits that the State does not have any objection if the present petition is disposed of in similar terms.

6. Since the issue involved in the present case already stands adjudicated upon and has also attained finality from the Appellate Court and has also been acted upon, this Court is of the opinion that the petitioner's case can also be disposed of in similar terms.

7. Accordingly, the case of the petitioner also stands disposed of holding

that the petitioner's services rendered as temporary employee in contingency paid services be also reckoned for the purpose of granting pensionary/retiral dues.

8. It is pertinent to mention that the case of Naval Kishore Mishra (supra) was disposed of in the light of the circular dated 02.03.2005 whereby the qualifying service for the purpose of contingency paid employee whose services had been regularized in terms of rule 6 (3) of the Chhattisgarh (Karyabharit Tatha Aakasmikta Se Vetan Pane Wale Karmachari) Pension Niyam 1979 was reduced from 10 years to six years.

9. Undisputedly, in the instant case also the regular service of the petitioner herein is more than six years and therefore he would have otherwise also been entitled for the pensionary benefits.

10. Accordingly, the present petition is allowed. It is directed that the respondents shall consider the case of the petitioner for grant of pensionary benefits and all other dues payable to him under the rules governing the field within a maximum period of six months from today.

Sd/-

P. Sam Koshy
Judge