

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 707 of 2018**

1. Shyam Sunder Sahu S/o Late Shri Ramdayal Sahu Aged About 61 Years
R/o Near Circuit House Chandmari, Raigarh District Raigarh Civil And
Revenue District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
2. B. R. Chakradhari S/o Late Shri Naiharsai Chakradhari Aged About 61 Years
R/o Panjri Plant Kelo Vihar Colony Raigarh District Raigarh Civil And
Revenue District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
3. Nekram Kashyap S/o Late Shri Narmada Prasad Kashyap Aged About 61
Years R/o Degree College Road Chakradhar Nagar Raigarh District
Raigarh, Civil And Revenue District Raigarh Chhattisgarh., District : Raigarh,
Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Public Works,
Mananadi Bhawan Naya Raipur District Raipur Chhattisgarh., District :
Raipur, Chhattisgarh
2. Executive Engineer, Public Works Department, E / M Division, Nehru Chowk
Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Executive Engineer, Public Works Department, B / R Division, Raigarh
District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
4. Sub Divisional Officer Public Works Department, E / M Sub Division Raigarh
District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
5. Director Accounts And Pension, Indrawati Bhawan, Naya Raipur District
Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rajendra Tripathi, Advocate.
For Respondents/State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****19/01/18**

1. With the consent of the learned counsel for the parties, the matter is heard finally.

2. Learned counsel for the petitioners would submit that the petitioners were the 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').

3. Learned counsel for the petitioners would further submit that the petitioners' past services, prior to the date of regularization, are 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 26.02.2015 in *Writ Appeal No. 281/2013* and other connected matters, wherein this court has held that in view of the State Governments' instructions dated 02.03.2005, 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.

4. Learned State counsel would not dispute the decision rendered by the Division Bench, however, he would submit that the State Government has preferred Review Petition No. 61/2015 before the Division Bench in which, notices have been issued to the other side. He would submit that based on the outcome of the review petition, the matter shall be considered by the competent authority.

5. In view of the above, the writ petitions are disposed of with as direction that on fresh representations being filed by the petitioners, within a period of four weeks, the respondents shall decide the petitioners' entitlement to pension, depending upon and after the outcome of Review Petition No. 61/2015.

Sd/-

(Sanjay K. Agrawal)
Judge