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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 803 of 2018**

1. Shiv Ratan Sahu S/o S/o Kejuram Sahu, Aged About 63 Years, R/o Village Udela, Post Hathband, Tahsil Simga, District Baloda Bazar- Bhatapara, Chhattisgarh.
2. Riyajul Afzal Khan, S/o S/o Sirjuddin Khan, Aged About 63 Years, R/o Village Devrani, Post Mald, Police Station Bhatapara, District Baloda-Bazar- Bhatapara, Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, Chhattisgarh.
2. Chief Engineer, Water Resources Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, Chhattisgarh.
3. Executive Engineer, Water Resources Department, Mahanadi Water Resources Disnet Division No.3, Tilda, District Baloda, Bazar- Bhatapara, Chhattisgarh.
4. Joint Director, Department Of Account And Pension, Pension Bada, Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. A. K. Patil, Advocate.
For Respondents	:	Mr. Dilman Rathi Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****23/01/18**

1. 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').

2. 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.

3. Learned counsel for the respondents would not dispute the legal decision as has been laid down by the Division Bench, however, he would submit that the State is considering to file a review petition.

4. In view of the above, the writ petitions are disposed of with a 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, in accordance with the law laid down by this Court in *Writ Appeal No. 281/13* 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/-

(Sanjay K. Agrawal)
Judge