

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1025 of 2018**

Beniram Sahu S/o Buddhu Ram Sahu, Aged About 66 Years, R/o Village Kukrachanda, Mohbhattha, Tahsil Bhatapara, District Baloda Bazar Bhatapara Chhattisgarh.,

---- Petitioner

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., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. K. Patil, Advocate.
For Respondents	:	Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****31/01/18**

1. Learned counsel for the petitioner would submit that the petitioner is an employee of work charged and contingency paid establishment, having been earlier appointed as daily wager 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 petitioner would further submit that the

petitioner's past services, prior to the date of regularization, are not counted for the purposes of granting pension and as such, he has 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. (SLP No. 007422-007431/2016)

4. In view of the above, the writ petition is disposed of with a direction that on fresh representation being filed by the petitioner, within a period of four weeks, the respondents shall decide the petitioner's entitlement to pension, in accordance with the law laid down by this Court in Writ Appeal No. 281/13 [SLP(C) No. 007422-007431/2016, *State of Chhattisgarh v. Sukhru & Others*, preferred against the writ appeal before Hon'ble Supreme Court which was dismissed by order dated 03.03.2017] 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