

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1707 of 2018**

Dukalha Late Shankarbaya, Aged About 64 Years R/o Village Pousari,
Police Station Simga, Tahsil Simha, District Raipur, Chhattisgarh., District :
Raipur, Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Public Works Department,
Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District
Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Chief Engineer, Public Works Department, Division Raipur, District Raipur,
Chhattisgarh., District : Raipur, Chhattisgarh
3. Executive Engineer, Public Works Department, Division Baloda Bazar,
District Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-
Bhatapara, Chhattisgarh
4. Joint Director, Department Of Treasure, Account And Pension, Pension
Bada, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Ravi Ranjan Sinha, Advocate.
For Respondents	:	Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****23/02/18**

1. Learned counsel appearing for the petitioner would submit that petitioner was the 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 petitioner's

past services, prior to the date of regularization, are not counted for the purpose 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.

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* 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