

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.5886 of 2017**

Barnu Ram S/o Late Douva Ram, Aged About 66 Years Retired Vaniki Chowkidar Forest Range Office Durg Forest Division Durg, District Durg, Chhattisgarh, R/o Village Samoda, Post Karanja, Bhilai, Tahsil & District Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan, New Mantralaya, Raipur, Chhattisgarh
2. Principle Chief Conservator Of Forest, Head Quarter Jail Road Raipur, Chhattisgarh
3. Conservator Of Forest, Circle Durg, District Durg, Chhattisgarh
4. Divisional Forest Officer, Durg, District Durg, Chhattisgarh

---- Respondents**And****WPS No. 5753 Of 2017**

Faguram Sahu S/o Late Chhotan, Aged About 66 Years Retired Vaniki Chowkidar Forest Range Khairagarh, Forest Division Khairagarh, District Rajnandgaon Chhattisgarh R/o Village Chagurnda, Post Itar, P. S. Gatapar, Tahsil Khairagarh District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Forest Mahanadi Bhawan, New Mantralaya Raipur Chhattisgarh
2. Principal Chief Conservator Of Forest, Head Quarter Jail Road Raipur Chhattisgarh
3. Conservator Of Forest Durg, Circle Durg District Durg Chhattisgarh
4. Divisional Forest Officer, Khairagarh District Rajnandgaon Chhattisgarh

---- Respondents

And

WPS No. 5759 Of 2017

Smt. Ramsiya Bai Wd/o Late Sukhit Verma Aged About 64 Years Retired Vaniki Chowkidar Posted At Bharampur Nursery Forest Range Chhuikhadan Forest Division Khairagarh District Rajnandgaon Chhattisgarh R/o Village Maharatola Post Shakha (Korram) Police Station & Tahsil Chhuikhadan District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan, New Mantralaya Raipur Chhattisgarh.
2. Principle Chief Conservator Of Forest, Head Quarter Jail Road Raipur Chhattisgarh.
3. Conservator Of Forest Durg , Circle Durg District Durg Chhattisgarh.
4. Divisional Forest Officer Khairagarh District Rajnandgaon Chhattisgarh.

---- Respondents

And

WPS No. 5768 Of 2017

Jethu Ram Nishad S/o Late Than Singh Aged About 63 Years Retired Vaniki Chowkidar Forest Range Office Durg Forest Division Durg, District Durg Chhattisgarh R/o Village Samoda, Post Karanja, Bhilai Tahsil & District Durg Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Forest Mahanadi Bhawan , New Mantralaya Raipur Chhattisgarh.
2. Principle Chief Conservator Of Forest, Head Quarter Jail Road Raipur Chhattisgarh.
3. Conservator Of Forest Durg, Circle Durg District Durg Chhattisgarh.
4. Divisional Forest Officer, Durg District Durg Chhattisgarh.

---- Respondents

And

WPS No. 5971 Of 2017

Smt. Ansuiya Bai Lodhi Wd/o Late Dhani Ram Lodhi, Aged About 62 Years Retired Sankheyatter Chowkidar Posted At Forest Range Khairagarh Forest Division Rajnandgaon, District Rajnandgaon, Chhattisgarh, R/o Ward No. 1 Pipariya, Municipal Council Khairagarh, Police Station And Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan, New Mantralaya, Raipur Chhattisgarh.
2. Principle Chief Conservator Of Forest, Head Quarter Jail Road Raipur Chhattisgarh.
3. Conservator Of Forest Durg, Circle Durg, District Durg Chhattisgarh.
4. Divisional Forest Officer Khairagarh Distict Rajnandgaon Chhattisgarh.

---- Respondents

And

WPS No. 6308 Of 2017

Khorbahra Yadav S/o Late Kanhaiya, Aged About 64 Years Retired Vanika Chokidar Posted At Gatapar Forest Barrier, Forest Range Khairagarh, Forest Division Khairagarh, District Rajnandgaon Chhattisgarh R/o Village Baigatola, Post Itar, P. S. Gatapar, Tahsil Khairagarh, District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Forest Department, Mahanadi Bhawan, New Mantralaya, Raipur Chhattisgarh.
2. Principal Chief Conservator Of Forest, Head Quarter, Jail Road Raipur Chhattisgarh.
3. Conservator Of Forest Durg, Circle Durg, District Durg Chhattisgarh
4. Divisional Forest Officer, Khairagarh, District Rajnandgaon

Chhattisgarh.

--- Respondents

For Petitioner : Mr. F.S. Khare, Advocate
 For State : Mr. B.Gopa Kumar, Dy.A.G. and Mr.
 Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

05/01/2018

(1) Learned counsel for the petitioners would submit that the petitioners were 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 Rule, 1979 (for short 'the Rules, 1979').

(2) Learned counsel for the petitioners would further submit that the petitioners' past service, prior to the date of regularization, is 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.281/13 and other connected matters, wherein this Court has held that in view of the State Government's instructions dated 2.3.2005, petitioners' 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 position 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 representation being filed by the petitioners within a period of four weeks, the respondents shall decide 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

L/-