

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.7324 of 2017**

Ram Nath Sahu S/o Ram Bilash Sahu, Aged About 64 Years
Retired Forest Guard R/o Village Chhita Kasa, Gainda Tola Post
Gainda Tola, Tahsil Churia, District Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh.
2. Principle Chief Conservator Of Forest, Aranya Bhawan, Medical College Road, Raipur, District Raipur Chhattisgarh.
3. Chief Conservator Of Forest, Durg Circle, Durg, District Durg Chhattisgarh.
4. Divisional Forest Officer, Rajnandgaon, District Rajnandgaon Chhattisgarh.

--- Respondents

For Petitioner : Mr. Ashok Patil, Advocate
For State : Mr. R.N. Pusty, Government Advocate

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

02/01/2018

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

(2) Learned counsel for the petitioner would further submit that the petitioner's past service, prior to the date of regularization, is 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.281/13 and other connected matters, wherein this Court has held that in view of the State Government's instructions dated 2.3.2005, 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 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

L/-