

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 3110 OF 2018**

- Kunjram S/o Late Tirath Ram, aged about 63 years, retired un skilled labour posted office of sub-Engineer, Nandghat Public works Department District Bemetara, Chhattisgarh. R/o Village Jhulna Post Maro, P.S. Nandghat, District Bemetara, Chhattisgarh.

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Department of Public Works, Mahanadi Bhawan, New Mantralaya, Raipur, Chhattisgarh.
2. Executive Engineer, Public Work Department (B/R) Division Bemetara, District Bemetara, Chhattisgarh.
3. Sub Divisional Officer Nawagarh Public works Department District Bemetara, Chhattisgarh.

... Respondents

For Petitioner : Ms. Laxmin Tondey, Advocate on behalf of
Mr. F.S. Khare, Advocate.

For Respondent-State : Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/04/2018**

1. Learned counsel for the petitioner submits 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 Rules, 1979 (for short' the Rules, 1979'). The petitioner was regularized on 26.08.2008 thereafter he retired on 31.12.2017.

2. Learned counsel for the petitioner further submits 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 refers to the order passed by the Division Bench of this Court on 26.2.2015 in Writ Appeal No. 281 of 2013 and other connected matters, wherein this Court has held that in view of the State Government instructions dated 2.3.2005, the 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 does not dispute the legal decision as has been laid down by the Division Bench.

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 of 2013 within a further period of three months.

5. With the aforesaid direction, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge