

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3474 of 2018**

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 And District Durg 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 Durg District Durg Chhattisgarh.

----Respondents

For Petitioner	:	Mr. F.S. Khare, Advocate
For State	:	Mr. Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/05/2018**

1. The present is a second round of litigation. The earlier round of litigation was WPS No. 5768/2017, which stood disposed of on 05.01.2018, whereby it was directed that the case of the petitioner be also considered in the light of the decision of the Division Bench of this Court in the case of "Lakhan Lal Sahu and Others".
2. Pursuant to the disposal of the writ petition, the respondents have issued Annexure P/8 dated 19.03.2018, whereby the claim of the petitioner for grant of pensionary benefits was rejected on the ground that firstly the rules pertaining to the contingency fund was not applicable to the petitioner and that the petitioner was not a contingency paid employee, but a daily wage worker.

3. Pending the writ petition before this Court, the respondents have now issued a fresh circular dated 03.04.2018 issued by the office of the Principal Chief Conservator of Forest, Raipur, whereby it has been held that in the light of the instructions received from the Finance Department of the State of Chhattisgarh it has been decided that all those daily wage workers who have been regularized after 01.11.2004, their services rendered in the capacity of daily wage workers would also be counted for the purpose of grant of pension.
4. Given the said circular of the respondents dated 03.04.2018, this Court is of the opinion that the case of the petitioner also needs reconsideration as the finding in Annexure P/8 dated 19.03.2018 would be in contravention to the said decision taken by the State Government and therefore the decision dated 19.03.2018 is set-aside, so far as the petitioner's claim is concerned, and it is remitted back to the respondent No.3 & 4 to pass an appropriate order in the light of the recent circular of the department dated 03.04.2018.
5. Considering the nature of dispute and the fact that the petitioner has superannuated long ago, let an appropriate decision be taken at the earliest preferably within a period of 60 days from the date of receipt of the certified copy of this order.
6. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge