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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 497 of 2018**

{Arising out of order dated 17.01.2018 passed in Writ Petition (S) No. 5710 of 2017 by the learned Single Judge}

Shiv Kumar Sharma S/o Late Shri Raruha Prasad Sharma, Aged About 69 Years
Post Amin/ Patwari, R/o Kantikunj, Infront Of Shri Ram Health Club, Shanti Vihar
Colony, Danganiya Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Appellant**Versus**

1. State of Chhattisgarh Through The Secretary, Water Resources Department, Minsitry, Mahanadi Bhavan, New Raipur, District Raipur Chhattisgarh.
2. The Accountant General, Through The Assistant Account Officer, Office Of The Accountant General, General Provident Fund Section, Raipur, District Raipur Chhattisgarh
3. The Divisional Joint Director, Treasury Account And Pension, Near Nagar Ghadi Chowk, Raipur, District Raipur Chhattisgarh.
4. Executive Engineer, Water Resource Division No. 1 Raipur, (Near Kali Mandir), Raipur, District Raipur Chhattisgarh.
5. Sub Divisional Officer, Water Resource Sub Division No. 3 O.C.M. Chowk, Raipur, District Raipur Chhattisgarh.

---- Respondents

For Appellant	: Shri Alok Dewangan, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**Per Ajay Kumar Tripathi, Chief Justice****28/09/2018**

1. Heard learned counsel for the Appellant as well as learned Government Advocate for the State/Respondents.
2. The order under appeal is dated 17.01.2018 passed by the learned Single Judge where he refused to give any direction in favour of the Appellant to

pay him pension since the number of qualifying years as a regular employee did not add up to 10 years.

3. It is not in dispute that the Appellant had worked for a long period of time as daily-wager and later on came to be regularised in the year 2003.
4. Be that as it may, keeping in view the new notification (Vitt Nirdesh 30/2018) dated 28.05.2018, the matter is required to be considered by the competent authority afresh. The impugned order dated 17.01.2018 passed in Writ Petition (S) No. 5710 of 2017 is set aside. The matter is remanded back for an early decision, preferably within a period of three months from the date of production of a copy of this order.
5. In the result, the appeal is allowed.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE