

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3890 of 2018**

1. Bedram Rathore S/o Late Kanhaiyalal Rathore , Aged About 67 Years Retd. Labour, R/o Village Dongiyaportha, Tahsil Sakti District Janjgir Champa Chhattisgarh.
2. Antram Patel S/o Late Bechuram Aged About 63 Years Retd. Labour, R/o Village Temar, Tahsil Sakti District Janjgir Champa Chhattisgarh.
3. Nandlal Sahu S/o Late Buddhuram Sahu Aged About 67 Years Retd. Labour, R/o Village Darrabhatha Police Station Malkharouda, Tahsil Sakti District Janjgir Champa Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary Public Works Department Mahanadi Bhawan Mantralaya New Raipur Chhattisgarh.
2. The Chief Executive Engineer, Public Works Department Bilaspur National Highway, Chhattisgarh.
3. The Superintendent Engineer, Public Works Department Bilaspur Chhattisgarh.
4. The Executive Engineer, Public Works Department Champa Division District Janjgir Champa Chhattisgarh.
5. The Sub Divisional Officer, Public Works Department Sub Division Sakti District Janjgir Champa Chhattisgarh.

----Respondents

For Petitioners	:	Mr. Ashok Kumar Shukla, Advocate
For State	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/05/2018**

Heard on admission.

1. The petitioners have filed this petition seeking a direction to respondents to prepare pension case and pay pension.
2. Submission of learned counsel for the petitioners is that the petitioners were regularized vide order dated 23.03.2008. They were prematurely retired which order was challenged successfully before this Court and vide order dated 20.09.2005, the petition was allowed

in terms of order passed in Writ Petition No.93 of 2005. The petitioner was again reinstated and thereafter allowed to continue till the age of superannuation and retired on 30.09.2012.

3. As the petitioners were regularized on the post of unskilled labour, obviously the post is borne in the Work-charged Contingency Establishment and not in the regular Establishment. In respect of the regular workers in the Contingency Establishment also Work Charged and Contingency Paid Employees Pension Rules, 1979 are applicable. In order to earn pensionable service, in the contingency establishment, an employee required to complete statutory minimum period of service before he can be granted benefit of pension. Therefore, in these circumstances, the claims of the petitioners are required to be considered by the respondent. If the petitioners have completed the period of pensionable services as prescribed under the Work Charged and Contingency Paid Employees Pension Rules, 1979, the respondent shall proceed to prepare and pay pension to the petitioners as per the rules with effect from the date of their retirement. The entire exercise should be completed within a period of four months. The other retiral benefits, if found due and payable under the Rules, shall also be considered by the respondents.
4. The petition accordingly is finally disposed off.

Sd/-
(P. Sam Koshy)
Judge