

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.2781 of 2014**

Jugal Prasad Tiwari, Aged-62 years, Late Baldeo Prasad Tiwari, Retired as Field Assistant O/O the Executive Engineer, Water Resources Division, Pendra Road, District-Bilaspur (CG) R/o Village-Kouwatal, Post-Hardi, P.S. & Tehsil-Sarangarh, District Raigarh (CG)

---- Petitioner

Versus

1. State of Chhattisgarh through its Secretary, Department of Water Resources Mantralaya, Mahanadi Bhawan, Naya Raipur
2. Superintending Engineer, Water Resources Division, Circle-Bilaspur (CG)
3. The Executive Engineer, Water Resources Division, Pendra Road, District Bilaspur (CG)
4. Sub Divisional Officer, Water Resources Sub Division, Belgahana, District Bilaspur (CG)
5. The Joint Director, Treasury, Pension & Account, Bilaspur Division, Bilaspur

---- Respondents

For Petitioner	:	Mr.R.K.Kesharwani, Advocate
For Respondents	:	Mr.Ratan Pusty, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**

4/1/2018

1. Learned counsel for the petitioner would submit that the claim/representation of the petitioner has wrongly been rejected by the Chief Engineer, Hasdeo Basin, Water Resources Department, Bilaspur and his case is required to be considered afresh in the light of order passed by this Court in WPS No.1045 of 2014 vide order dated 17.4.2015 (**Naval Kishore Mishra Vs. State of Chhattisgarh and others**).
2. On the other hand, learned Government Advocate for the respondents/State would submit that the petitioner has opted for pension under the Contributory Pension Scheme, which has been made applicable with effect from 1.11.2004, therefore, he

is not entitled for pension under the provisions of the Chhattisgarh Civil Services (Pension) Rules, 1976/Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979.

3. I have heard learned counsel for the parties, considered their rival submissions made herein-above and also gone through the records with utmost circumspection.
4. After hearing learned counsel appearing for the parties and taking into consideration the facts situation, I am of the considered opinion that decision requires to be reconsidered by the competent authority in the light of decision of this Court in **Naval Kishore Mishra** (supra).
5. In view of above, the impugned order dated 3.2.2014 (Annexure P/1) passed by the Chief Engineer, Hasdeo Basin, Water Recourses Department, Bilaspur is set aside. The matter is remitted to the Chief Engineer, Hasdeo Basin, Water Recourses Department, Bilaspur for deciding the case of the petitioner afresh after hearing the parties as early as possible preferably within a period of 45 days from the date of receipt/production of a copy of this order keeping in view the decision of this Court in **Naval Kishore Mishra** (supra).
6. The writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-