

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 6688 of 2018

1. Smt. Puniya Bai W/o Shri Dashashiv, Aged About 70 Years, R/o Village And Post- Nawagaon, District- Mahasamund, Chhattisgarh.
2. Smt. Leela Bai W/o Shri Itwari, Aged About 58 Years, R/o Village And Post- Nawagaon (Patewa), District- Mahasamund, Chhattisgarh.
3. Smt. Bisaheen W/o Shri Tirithram, Aged About 71 Years, R/o Village And Post-Nawagaon, District- Mahasamund, Chhattisgarh.
4. Shobha Ram S/o Shri Suraj Sinha, Aged About 70 Years, R/o Village And Post Jogideepa, District- Mahasamund, Chhattisgarh.
5. Milau Ram S/o Shri Bharosa, Aged About 69 Years, R/o Village And Post- Khattidih, District- Mahasamund, Chhattisgarh.
6. Salik Ram S/o Shri Chandu, Aged About 68 Years, R/o Village And Post Khattidih, Distict- Mahasamund, Chhattisgarh.

---Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary, Public Works Department, Mahanadi Bhawan, Atal Nagar, New Raipur, Chhattisgarh.
2. Executive Engineer, Public Works Department, National Highway, Division No. 1, Raipur, District- Raipur, Chhattisgarh.
3. Sub Divisional Officer, National Highway, Sub-Division, Public Works Department, Raipur, District- Raipur, Chhattisgarh.

---Respondents

For petitioners	:	Shri Somkant Verma, Advocate.
For State	:	Shri S.P.Kale, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/10/2018

1. Learned counsel for the petitioners would submit that the petitioners were the employee of work charged and contingency paid establishment, having been earlier appointed as daily wagers 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 petitioners were regularized in the year 2008 and thereafter retired.

2. Learned counsel for the petitioners would further submit that the petitioners' past service, prior to the date of regularization, is not counted for the purposes of granting pension and as such, they have been declared ineligible for pension. Learned counsel would refer to the order passed by the Division Bench of this Court decided on 26-2-2015 in Writ Appeal No.281/13 and other connected matters, wherein this Court has held that in view of the State Government's instructions dated 2-3-2005, petitioners temporary services 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 would not dispute the legal decision as has been laid down by the Division Bench. He would however submit that before extending the benefit, issue will require verification of facts from the service records of the petitioner. If he is found fit appropriate benefit may be extended to the petitioner as in the case of Lakhanram Sahu and others Vs. State of Chhattisgarh and others in Writ Appeal No. 281 of 2013 and batch of cases vide order dated 26-02-2015.

4. In view of the above, the writ petition is disposed of with a direction that on fresh representations being filed by the petitioners within a period of four weeks, the respondents shall decide petitioners' entitlement to pension, in accordance with the law laid down by this Court in Writ Appeal No.281/13

within a further period of three months, subject to verification of facts or any other order passed by the Division Bench or the Supreme Court on the issue.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit