

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 1658 of 2019

Tikaram Sahu S/o Late Shri Nanki Ram Sahu, Aged About 74 Years,
R/o Village- Hirri, Post- Devgaon, Police Station- Masturi, District-
Bilaspur, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Public Works Department,
Mantralaya, Mahanadi Bhawan, Atal Nagar, District- Raipur,
Chhattisgarh.
2. Director Through Treasury, Accounts And Pension Department, Raipur,
District- Raipur, Chhattisgarh.

---Respondents

For petitioner	:	Shri S.P.Kale, Advocate.
For State	:	Shri Sameer Behar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/03/2019

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. Learned counsel for the petitioner would submit that the petitioner was the employee of work charged and contingency paid establishment, having been earlier appointed as daily wager 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 petitioner was regularized on 01.01.1998 and thereafter retired on 31.07.2007.

3. Learned counsel for the petitioner would further submit that the petitioner's past service, prior to the date of regularization, is not counted for the purposes of granting pension and as such, he has 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, petitioner's temporary service 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.

4. Learned State counsel would not dispute the decision rendered by the Division Bench, however, he would submit that the State Government has preferred Review Petition No.61/2015 before the Division Bench in which, notices have been issued to the other side. He would submit that based on the outcome of the review petition, the matter shall be considered by the competent authority.

5. In view of the above, the writ petition is disposed of with a direction that on fresh representation being filed by the petitioner, within a period of 4 weeks, the respondents shall decide the petitioner's entitlement to pension, in the light of the order dated 26/02/2015 passed in Writ Appeal No. 281/2013.

Sd/-

(P. Sam Koshy)
JUDGE