

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8498 of 2019**

Smt. Ganeshiya Bai, Wd/o. Late Bisouha Ram, Aged About 67 Years, R/o. Village Rudri, Tahsil And District Dhamtari Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Water Resources Department, Mahanadi Bhawan Atal Nagar, District Raipur Chhattisgarh.
2. Executive Engineer, Water Resources Department Division Rudri, District Dhamtari Chhattisgarh.
3. Joint Direction, Pension And Accounts Treasury Department, Raipur, District Raipur Chhattisgarh
4. District Treasury Officer, Dhamtari, District Dhamtari Chhattisgarh
5. Sub Divisional Officer, Water Resources Department, Sub Division No. 09, Gangrel, District Dhamtari Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Hemant Kesharwani, Advocate
For State/Respondents	:	Mr. Sudhir Sahu, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****16.10.2019**

Heard

1. 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 14-08-2008 and thereafter retired on 30-04-2014.
2. 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, petitioners 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.

3. Learned counsel for the respondents would not dispute the legal decision as has been laid down by the Division Bench.
4. 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 four weeks, the respondents shall decide petitioner's 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/-
Goutam Bhaduri
Judge