

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9545 of 2019**

- Ghasiya Ram Sahu S/o Konda Ram Sahu Aged About 64 Years (Retired Peon), R/o Village And Post Office Tiwaripara Kharoud, Tahsil Pamgarh, District Janjgir-Champa Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through- The Secretary Public Works Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
2. Engineer-In-Chief Chhattisgarh Rural Road Development Authority, Civil Lines, Raipur, District Raipur Chhattisgarh
3. Superintendent Engineer Chhattisgarh Rural Road Development Authority, Project Board No. 02, Surguja, District Surguja Chhattisgarh
4. District Treasury Officer Ambikapur, District Surguja Chhattisgarh

---- Respondents

For Petitioner : Shri KP Sahu, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****21/11/2019**

1. Heard.
2. The grievance of the petitioner is that the petitioner was superannuated on 28.02.2017 and he had joined his services in the year 1985 and was regularized in the year 2008 and the services of the petitioner are not been considered for the period in which the petitioner worked as a daily wager for the pensionary benefits. It is contended that this issue has already been set at rest by the co-ordinate Bench of this Court in WPS No.3482 of 2017 on 01.08.2017, wherein the Co-ordinate Bench has passed the following order:-

“1. Learned counsel for the parties would jointly and fairly submit that the matter in issue is covered by the

common order dated 26.2.2015 passed by the Division Bench of this Court in W.A.No.281 of 2013 (Lakhanram Sahu and others Vs. State of Chhattisgarh and others) and other connected writ appeals. Against the said order, the State travelled up to the Supreme Court by filing SLP (C) Nos.11541-11550/2016, which have been dismissed by the Supreme Court, affirming the order passed by the Division Bench of this Court. They would pray that this writ petition may also be allowed in the same terms.

2. In view of the above joint statement made, the present writ petition is also allowed in terms of the common order dated 26.2.2015 passed by the Division Bench of this Court in WA No.281 of 2013 (Lakhanram Sahu and others Vs. State of Chhattisgarh and others) and other connected writ appeals. Let the current pension of the petitioner be calculated and payment commenced preferably within a period of four weeks from the date of receipt and/or presentation of a copy of this order and the arrears to be paid within a period of 12 months from the date current pension starts.
 3. A copy of the order dated 26.2.2015 passed in WA No.281 of 2013 (Lakhanram Sahu and others Vs. State of Chhattisgarh and others) and other connected writ appeals, be made a part of this record.”
3. Let the case of the petitioner be considered after due verification and if he falls within the ambit of the beneficiary in terms of the order passed supra, the petitioner shall also be granted the similar benefit. The said exercise be carried out within an outer limit of three months and thereafter the direction as has been reproduced shall be applicable and after verification if petitioner is found suitable then his pension shall calculated and payment commenced preferably within a period of four weeks from the date of receipt and/or presentation of a copy of this order and the arrears to be paid within a period of 12 months from the date current pension starts.
4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge