

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1944 of 2020

1. Julu Singh S/o Late Mangal Singh Aged About 70 Years Resident Of Village Bijam , Police Station And Tahsil Dantewada, District Dantewada Chhattisgarh
 2. S. Suganan S/o Sukumaran Aged About 68 Years Resident Of Irrigation Colony, Konta , Post Konta , District Sukma Chhattisgarh.,
 3. Smt. Latkhorin Bai Wife Of Ite Faganram , Resident Of Ward No. 11, Kailash Nagar, Irrigation Colony, Dantewada
 4. Shriram S/o Mahesh Ram Aged About 63 Years Resident Of Ward No. 3, High School Road, Geedam , Tahsil Geedam, District Dantewada Chhattisgarh
 5. S. Laxmi Narayan S/o Lingaiya Aged About 70 Years Resident Of Ward No. 2, Faraspal Road, Dantewada , Tahsil And District Dantewada Chhattisgarh
 6. Jay Singh S/o Late Shri Budhu Singh Aged About 65 Years Resident Of Village Anwrabhata, Behind Durga Mandap, Dantewada, District Dantewada Chhattisgarh.
- Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur Chhattisgarh.
 2. The Engineer - In - Chief Water Resources Department , Raipur Chhattisgarh
 3. The Chief Engineer Mahanadi Godavari Besin, Water Resources Department , Raipur Chhattisgarh
 4. The Executive Engineer Water Resources Sub- Division Dantewada, District Dantewada Chhattisgarh
 5. The Sub Divisional Officer Water Resources Sub - Division, Dantewada , District Dantewada Chhattisgarh.,
- Respondents**

For Petitioners	:	Mr. Goutam Khetarpal, Advocate
For Respondent/ State	:	Mrs. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.05.2020

1. As per the instant writ petition, the petitioners were appointed as work

charge and contingency paid employee and were retired on different dates which are particularly shown hereunder:-

Petitioner's name	Appointment date	Retirement date
Julu Singh	01.07.1979	31.03.2011
S. Sugunan	04.12.1975	31.05.2011
Smt. Latkhorin	01.01.1984	31.03.2019
Shriram	20.04.1981	30.04.2019
S. Laxmi Narayan	25.01.1980	31.08.2009
Jai Singh	01.04.1983	31.05.2017

2. Learned counsel for the petitioners submits that the services rendered by them while they were discharging their duty as a contingency paid employee were not considered to count the period for the pensionable services. It is further submitted that recently in Writ Appeal No. 88/2019 (Mobin Khan vs. State of Chhattisgarh and Others) passed on 01.04.2019, the Division Bench of this Court has directed that the services rendered as work-charge employee/ contingency paid employee should be considered for pensionable services and the consequential benefit shall be granted to those employees. It is stated that the petitioners have not been granted the benefit of the finding given in Writ Appeal No. 88/2019. He further submits that the petitioners have filed a representation, however, the same is pending consideration with the State and due to want of availability the same would not be placed as the petitioners are holding the lower grade post. It is stated that the State may be directed to decide the representation of the petitioners and if the petitioners' past services be included to count for the purpose of pensionable service. It is also stated that the benefit

may be given to them as has been granted to the likewise employee.

3. Learned State counsel would submit that the petitioners have joined the post of daily wager and each of the petitioners' case has to be examined separately which requires evidence to the effect that on what date they joined their services with the State, consequently, a common order cannot be passed.
4. Be that as it may. Perused the judgment passed in Writ Appeal No. 88/2019 on 01.04.2019 and even considering the fact that the services of each of the petitioners are to be separately examined and the State would be in hold of documents of the petitioners, who already stand retired. The petitioners are given the liberty to make a detailed representation to respondents No. 1 & 2 within a period of 45 days. The said representation, if so filed, would be decided by examination of the case of the petitioners apparently by the State within a further period of six months.
5. It goes without saying that if the petitioners have rendered the requisite service which is to include the period spent in work charged or contingency employee as laid down in W.A. No. 88/2019 are entitled to receive the benefit of same and the same may accordingly be granted to them. The petitioners shall also enclose the copy of the order passed in Writ Appeal No. 88/2019 and all the relevant documents in their possession to the State along with the representation.
6. With the aforesaid observations/ directions, the writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge