

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3884 of 2020

1. Aasha Ram Sahu S/o Late Guhan Sahu Aged About 67 Years R/o Village And Post- Bana, Thana- Kharora, District Raipur, Chhattisgarh.
2. Suklal Dahariya S/o Late Mangal Dahariya Aged About 67 Years R/o Village Kagdihi And Post- Samoda, Thana- Arang, District- Raipur (Chhattisgarh)
3. Sukhi Ram Bramhe S/o Late Itwari Aged About 67 Years R/o Village Kagdihi And Post- Samoda, Thana- Arang, District Raipur, Chhattisgarh.
4. Santandas Kurre S/o Late Amol Das Aged About 67 Years R/o Village Kagdihi And Post- Samoda, Thana- Arang, District Raipur Chhattisgarh
5. Nathela Kanwat S/o Late Rupram Kanwat Aged About 66 Years R/o Village, Post And Thana - Tumgaon, District Mahasamund, Chhattisgarh.
6. Smt. Dularin Bai Sahu Wife Of Late Pardeshi Sahu, Aged About 62 Years Resident Of Village- Ranisagar, Post- Banrasi, P.S.- Arang, District - Raipur (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Mahanadi Bhawan, New Raipur (Chhattisgarh)
2. Executive Engineer, Public Works Department, Division No. 02, Sirpur Bhawan, District Raipur, Chhattisgarh
3. Sub Divisional Officer, Public Works Department, Sub Division No. 02, District Raipur, Chhattisgarh.
4. Sub Divisional Officer, Public Works Department, Sub Division No. 4, Arang, District Raipur Chhattisgarh.
5. Joint Director, Treasury, Accounts And Pension, Raipur District Raipur, Chhattisgarh.

---- Respondents

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

Hon'ble Shri Justice Goutam Bhaduri

Order

20/10/2020

1. As per the instant writ petition, the petitioners No.1 to 5 and husband of petitioner No.6 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
Aasha Ram Sahu	01.01.1976	01.06.2016
Suklal Dahariya	04.06.1975	01.11.2016
Sukhi Ram Bramhe	02.05.1978	01.05.2016
Santandas Kurre	01.07.1979	01.01.2017
Nathela Kanwat	Year 1975	01.06.2017
Pardeshi Sahu (husband of petitioner No.6 Smt. Dularin Bai Sahu	01.03.1979	16.06.2014

2. Learned counsel for the petitioners submits that the services rendered by petitioners No.1 to 5 and husband of petitioner No.6 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 No.1 to 5 and husband of petitioner No.6 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 No.1 to 5 and husband of petitioner No.6 are to be separately examined and the State would be in hold of documents of the petitioners No.1 to 5 and husband of petitioner No.6, 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 separately by the State within a further period of six months.

5. It goes without saying that if the petitioners No.1 to 5 and husband of petitioner No.6 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