

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1870 of 2021

1. Krishna Kumar Dixena S/o Late Viswantha Dixena Aged About 70 Years R/o Village Mungadiha, Post Bacsahi, Thana Pali, District Korba (Chhattisgarh).

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Water Resources Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur (Chhattisgarh)
2. Chief Engineer Water Resources Department, Bilaspur, District Bilaspur (Chhattisgarh)
3. Executive Engineer Water Resources Department, Korba, Division Korba, District Korba (Chhattisgarh).
4. Sub Divisional Officer Water Resources Department, Sub Division Pali, District Korba (Chhattisgarh).
5. Joint Director Treasury, Accounts And Pension, Bilaspur, District Bilaspur (Chhattisgarh).

---Respondents

For Petitioner	:	Shri CJK Rao, Advocate.
For Respondent State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.06.2021

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 15.12.1994 and thereafter retired on 30.06.2013.
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 26.02.2005 in Writ Appeal No.281/2013 and other connected matters, wherein this Court has held that in view of the State Government's instructions dated 02.03.2005, 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.

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 off 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.281/2013 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/-
(P. Sam Koshy)
Judge