

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3409 of 2021**

1. Horilal Yadu S/o Tulas Ram Yadu Aged About 71 Years Resident Of Village Nayapara (Bhaira), Post Office Akalwara, Police Station Chhura, District Gariyaband Chhattisgarh.
2. Tijau Ram Sahu S/o Bharosa Ram Sahu Aged About 71 Years Resident Of Village Roba, Police Station Fingeshwar , District Gariyaband Chhattisgarh.
3. Toran S/o Lalaram Sahu Aged About 70 Years Resident Of Village Roba, Police Station Fingeshwar , District Gariyaband Chhattisgarh.
4. Jayram S/o Lalaram Sahu Aged About 70 Years Resident Of Village Roba, Police Station Fingeshwar , District Gariyaband Chhattisgarh.
5. Naresh Ram S/o Sukhdev Aged About 70 Years Resident Of Village Polkarra, Tahsil Rajim, District Gariyaband Chhattisgarh.
6. Smt. Ramkali Sahu W/o Late Keshav Ram Sahu Aged About 66 Years Resident Of Village Purena, , Police Station Fingeshwar , District Gariyaband Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary , Water Resources Department , Mahanadi Bhawan , Mantralaya , New Raipur Chhattisgarh.
2. The Engineer In Chief Water Resources Department , Atal Nagar, Nawa Raipur Chhattisgarh.
3. The Chief Engineer Water Resources Department, Mahanadi Godawari Kachhar, Raipur , District Raipur Chhattisgarh.
4. The Superintending Engineer Water Resource Division Gariyaband, District Gariyaband Chhattisgarh.
5. The Executive Engineer Water Resource Department , Gariyaband, District Gariyaband Chhattisgarh.
6. The Sub Divisional Officer Water Resource Sub Division, Fingeshwar, District Gariyaband Chhattisgarh.
7. Joint Director Treasury, Accounts And Pension , Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Respondents

For Petitioner	:	Ms. Nupoor Sonkar, Advocate
For State	:	Mr. Ayaz Naved, G.A.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

08/07/2021

1. Counsel for the petitioners submits that the writ petition has been filed seeking for a direction to the respondents to consider the period during which the petitioners have rendered their services as daily wage employee for the purpose of counting the length of service for receiving the pensionary benefits.
2. On a query being put to the counsel for the petitioners, he was unable to show any document with which it could be established that the initial appointment of the petitioners was under the Work Charged Contingency Establishment. According to the petitioners, for the said period during which they have rendered their services, they have already received gratuity and therefore for the purpose of grant of pension also the said period should also be counted.
3. Without expressing any opinion on the merits of the case and also subject to verification of the facts whether the initial appointment of the petitioners falls under the Work Charged Contingency Paid Employees Pension Rules or not. The respondents shall take a decision keeping in view the judgment of the Division Bench of this Court rendered in the case of **“Lakhanram Sahu and others Vs. State of Chhattisgarh and others” WA No.281 of 2013**, decided on 26.02.2015. Let an appropriate decision be taken in this regard at the earliest preferably within a period of 90 days from the date of receipt of the copy of this order.
4. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved