

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3980 of 2021

1. Lateel Singh Thakur S/o Late Chhabil Singh Thakur Aged About 68 Years
R/o Village Pratappur Tahsil- Nawagarh, District- Bemetara (Chhattisgarh)
2. Mohan Lal Rajput S/o Narsingh Rajput Aged About 67 Years R/o Village
Gadaghat, Tahsil- Khamhriya, Distt.- Bemetara (Chhattisgarh)
3. Basant Kumar Verma S/o Jageshwar Prashad Aged About 63 Years R/o
Village Devada, Tahsil Patan, District Durg (Chhattisgarh)
4. P.K. Kaushik S/o Ramnuj Kaushik Aged About 65 Years R/o Village -
Amora, Tahsil- Nawagarh, District - Bemetara (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources
Department, Mahanadi Bhawan Atal Nagar Raipur (Chhattisgarh)
2. Chief Engineer Mahanadi Godawari Kachhar, Water Resources
Department Raipur, District - Raipur (Chhattisgarh)
3. Sub Divisional Officer Water Resources Department, Sub Divisional
Nawagarh, District Bemetara, Chhattisgarh.
4. Executive Engineer Water Resources Department Division- Bemetara,
District - Bemetara (Chhattisgarh)
5. Joint Direction Pension And Accounts Treasury Department, Durg, Distt.
Durg (Chhattisgarh)

---Respondents

For Petitioners	: Shri Hemant Kesharwani, Advocate
For State	: Shri Ayaz Naved, G.A.

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

05/08/2021

1. The default pointed out by the Registry as of now stands ignored.

2. The relief sought for by the petitioners in the present writ petition is for grant of pensionary benefits by counting the services rendered by the petitioners as contingency paid /daily wage employee.
3. Counsel for the petitioners relies upon the judgment passed by this Court in the case of Lakhan Ram Sahu V. State of Chhattisgarh and Ors., in W.A. No. 281 of 2013 decided on 26.02.2015 in support of his contention.
4. This Court in the past have also disposed of many cases of similar nature directing the respondents to consider the case of the petitioners for grant of pension counting the earlier services rendered by the petitioners as daily wage employees under the contingency establishment for the purpose of quantifying the pension amount in-terms of the Pension Rules governing the field of contingency paid employee. In the instant case also Annexure P/1 shows that the services of the petitioners have been regularized under the contingency paid establishment and the rules applicable to contingency paid employee.
5. Subject to verification of the factual matrix of the case, the present writ petition as of now stands disposed of directing the respondent-authorities to consider the case of each of the petitioners for counting their services rendered as daily wage employee and also for the purpose of counting the total length of service for determining the pensionary benefits payable to the petitioner in-terms of the judgment of this Court in the case of Lakhan Ram Sahu (Supra).

6. Let an appropriate decision on due scrutiny and subject to verification of fact is done by the respondents so far as deciding the actual retiral dues & pensionary benefits payable to the petitioners at the earliest preferably within a period of four months from the date of receipt of copy of this order.
7. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

J-