

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5654 of 2021**

- Chhatray S/o Shri Sewakram Aged About 66 Years R/o Ward No. 6, Village, Post And Tahsil - Baramkela Raigarh, District - Raigarh (Chhattisgarh)(Wrongly mentioned in regularization) ---- **Petitioner**

Versus

1. State Of Chhattisgarh Through - The Secretary, Public Works Department Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District - Raipur (Chhattisgarh).
2. The Engineer-In-Chief, Public Works Department Mantralaya, Indrawati Bhawan, Atal Nagar Nawa Raipur District - Raipur (Chhattisgarh).
3. Chief Engineer Public Works Department Division, Bilaspur, District - Bilaspur (Chhattisgarh).
4. Superintending Engineer Public Works Department Division, Bilaspur, District - Bilaspur (Chhattisgarh).
5. The Sub Divisional Officer, Public Works Department, Sub Division - Sarangarh, District - Raigarh (Chhattisgarh).
6. Executive Engineer Public Works Department Raigarh Division, District - Raigarh (Chhattisgarh).
7. Joint Director, Treasury, Account And Pension, Bilaspur (Chhattisgarh).

---- Respondents

For Petitioner:	: Ms. Versha Sharma, Adv.
For the State/Respondents:	: Shri Amit Buxy, P.L. appears on advance copy.

Single Bench: Hon'ble Shri Sanjay S. Agrawal, J
Order On Board

26.10.2021

1. Though Petitioner has claimed for benefit of arrears of salary and other service benefits in the service period rendered by Petitioner under the Contingency Establishment, this Court at this juncture would entertain the present Writ Petition only so far as the claim of Petitioner for revised pensionary benefits, gratuity and leave encashment upon retirement of Petitioner, after taking into consideration the service rendered by Petitioner under the Contingency Establishment, subject to verification

of the same for the purpose of counting of total length of service for pension and pensionary benefits.

2. Claim of Petitioner seems to be on the basis of the Chhattisgarh (Worked Charged and Contingency Paid Employees) Pension Rules, 1979. Claim of Petitioner also seems to be in the light of the judgment rendered by the Hon'ble Supreme Court in the case of "Ram Naresh Rawat Vs. Ashwini Ray" [2017(3) SCC 436].
3. From perusal of pleadings to the Writ Petition, it is not reflected as to whether the initial engagement of Petitioner was under the Contingency establishment or not, so as to bring the services within the purview of the aforesaid Rules of 1979.
4. However, considering the fact that Petitioner was a low paid employee, the present Writ Petition at this juncture is disposed of directing the Respondents to consider the claim of Petitioner after due verification of the status of Petitioner so far as initial appointment is concerned and on due verification the claim for gratuity, leave encashment and also pensionary benefits be considered and decided at the earliest, preferably within a period of four months from the date of receipt of copy of this Order.
5. Needless to mention that the claim of Petitioner would be scrutinized after due verification so far as the entitlement part is concerned in accordance with the Pension Rules governing the field.
6. Writ Petition accordingly stands disposed of.

Sd/-

(Sanjay S. Agrawal)
JUDGE