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HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Reserved on	:	18th September, 2026
Final order delivered on	:	05th October, 2026
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WPS No. 11820 of 2025

Urmila Panigrahi W/o Late R.K. Panigrahi, Aged About 66 Years R/o Village Thirgaon, District Bastar (C.G.)

--- **Petitioner**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)

2 - Director, Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector-19, North Block, Atal Nagar, Naya Raipur, District Raipur (C.G.)

3 - Collector, Dantewada, District Dantewada (C.G.)

4 - Chief Executive Officer, Zila Panchayat Dantewada, District Dantewada (C.G.)

5 - Chief Executive Officer, Janpad Panchayat Dantewada, District Dantewada (C.G.)

--- **Respondent(s)**

WPS No. 12138 of 2025

Kunti Devangan D/o Late Shri Hemant Devangan Aged About 65 Years R/o Tokapal, District Bastar (C.G.)

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through - The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector - 19, North Block, Atal Nagar, Naya Raipur, District Raipur (C.G.)

3 - Collector Bastar, Jagdalpur, District Bastar (C.G.)

4 - Chief Executive Officer Zila Panchayat Jagdalpur, District Bastar (C.G.)

5 - Chief Executive Officer Janpad Panchayat, Tokapal, District Bastar (C.G.)

--- **Respondent(s)**

WPS No. 12123 of 2025

Smt. Seema Thakur W/o Late M.L. Thakur Aged About 63 Years R/o Nagar Panchayat Bastar, District- Bastar (C.G.)

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District - Raipur (C.G.)

2 - Director Directorate Of Panchayat And Rural Development Vikas Bhawan, Sector- 19, North Block Atal Nagar, Naya Raipur, District - Raipur (C.G.)

3 - Collector Bastar District- Bastar (C.G.)

4 - Chief Executive Officer Zila Panchayat Bastar District- Bastar (C.G.)

5 - Chief Executive Officer Janpad Panchayat Bastar District- Bastar (C.G.)

--- **Respondent(s)**

WPS No. 12107 of 2025

Ramesh Singh Thakur S/o Late Shri Dada Singh Thakur Aged About 67 Years R/o Village Tamnar, Gharghoda, Distt. Raigarh, Chhattisgarh.

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector-19, North Block, Atal Nagar, Naya Raipur, Distt. Raipur, Chhattisgarh.

3 - Collector Raigarh, Distt. Raigarh, Chhattisgarh.

4 - Chief Executive Officer Zila Panchayat Raigarh, Distt. Raigarh, Chhattisgarh.

5 - Chief Executive Officer Janpad Panchayat Tamnar, Distt. Raigarh, Chhattisgarh.

--- **Respondent(s)**

WPS No. 11777 of 2025

Altaf Khan S/o Late Abbas Khan Aged About 65 Years R/o Village Bhopalpatnam, Tah. Bhopalpatnam, District Bijapur (C.G.)

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector - 19, North Block, Atal Nagar, Naya Raipur, District Raipur (C.G.)

3 - Collector Bijapur, District Bijapur (C.G.)

4 - Chief Executive Officer Zila Panchayat Bijapur, District Bijapur (C.G.)

5 - Chief Executive Officer Janpad Panchayat Bhopalpatnam, District Bijapur (C.G.)

--- **Respondent(s)**

WPS No. 11779 of 2025

Gaukaran Prasad Dubey S/o Shri Rameshwar Prasad Dubey Aged About 64 Years R/o Nayapara, Gangasoor Marg, Village And Post Bijapur, District Bijapur C.G.

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur C.G.

2 - Director, Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector- 19, North Block, Atal Nagar, Naya Raipur, District Raipur C.G.

3 - Collector, Bijapur, District Bijapur C.G.

4 - Chief Executive Officer, Zila Panchayat Bijapur, District Bijapur C.G.

5 - Chief Executive Officer, Janpad Panchayat Usoor, District Bijapur C.G.

--- **Respondent(s)**

WPS No. 12091 of 2025

Sankirtan Lal Sahu S/o Late Shri Hira Ram Sahu Aged About 65 Years R/o Sahu Mohalla, Durga Chowk, Gharghoda, Distt. Raigarh, Chhattisgarh.

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Distt. Raipur, Chhattisgarh.

2 - Director Directorate Of Panchayat And Rural Development Vikas Bhawan, Sector-19, North Block, Atal Nagar, Naya Raipur, Distt. Raipur, Chhattisgarh.

3 - Collector Raigarh, Distt. Raigarh, Chhattisgarh.

4 - Chief Executive Officer Zila Panchayat Raigarh, Distt. Raigarh, Chhattisgarh.

5 - Chief Executive Officer Janpad Panchayat Gharghoda, Distt. Raigarh, Chhattisgarh.

--- **Respondent(s)**

WPS No. 12145 of 2025

Smt. Neelam Bambode W/o Shri Late Baliram Bombode Aged About 65 Years R/o Vill. And Post Ghotiya, Tah. Bhanpuri, Jagdalpur, Distt. Bastar, Chhattisgarh.

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector-19, North Block, Atal Nagar, Naya Raipur, Distt. Raipur, Chhattisgarh.

3 - Collector Bastar, Jagdalpur, Distt. Bastar, Chhattisgarh.

4 - Chief Executive Officer Zila Panchayat Jagdalpur, Distt. Bastar, Chhattisgarh.

5 - Chief Executive Officer Janpad Panchayat Jagdalpur, Distt. Bastar, Chhattisgarh.

--- **Respondent(s)**

WPS No. 11781 of 2025

Dauwa Prasad Sen @ D.P. Sen S/o Late Shri K.R. Sen Aged About 65 Years R/o Village- Bhairamgarh, District- Bijapur (C.G.)

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through - The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur (C.G.)

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector- 19, North Block, Atal Nagar, Naya Raipur, District- Raipur (C.G.)

3 - Collector Bijapur, District- Bijapur (C.G.)

4 - Chief Executive Officer Zila Panchayat, Bijapur, District- Bijapur (C.G.)

5 - Chief Executive Officer Janpad Panchayat Bhairamgarh, District- Bijapur (C.G.)

--- **Respondent(s)**

WPS No. 12088 of 2025

Rajesh Kumar Lal S/o Late Shri Gorelal Aged About 63 Years R/o Navagaon Road Near Masjid, Mungeli, District Mungeli (C.G.)

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector-19, North Block, Atal Nagar, Naya Raipur, District Raipur (C.G.)

3 - Collector Mungeli, District Mungeli (C.G.)

4 - Chief Executive Officer Zila Panchayat Mungeli, District Mungeli (C.G.)

5 - Chief Executive Officer Janpad Panchayat Mungeli, District Mungeli (C.G.)

--- **Respondent(s)**

WPS No. 11908 of 2025

Rajiv Kumar Dubey S/o Late Ramesh Chandra Dubey Aged About 65 Years R/o Village And Post Badekilepal, Jagdalpur, District- Bastar (C.G.).

---**Petitioner**

Versus

1 - State Of Chhattisgarh The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur (C.G.).

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector -19, North Block, Atal Nagar Nagar, Naya Raipur, District- Raipur, (C.G.).

3 - Collector Bastar, District- Bastar (C.G.).

4 - Chief Executive Officer Zila Panchayat Bastar, District- Bastar (C.G.).

5 - Chief Executive Officer Janpad Panchayat Bastar, District- Bastar (C.G.).

--- **Respondent(s)**

WPS No. 11826 of 2025

Rukman Prasad Sahu S/o Late Shri Than Singh Sahu Aged About 63 Years R/o Village- Teram, Tahsil- Gharghoda, District- Raigarh (C.G.)

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through- The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur, (C.G.)

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector- 19, North Block, Atal Nagar, Naya Raipur, District- Raipur (C.G.)

3 - Collector Raigarh, District- Raigarh (C.G.)

4 - Chief Executive Officer Zila Panchayat Raigarh, District- Raigarh (C.G.)

5 - Chief Executive Officer Janpad Panchayat, Gharghoda, District- Raigarh (C.G.)

--- **Respondent(s)**

WPS No. 11821 of 2025

Rakesh Dubey S/o Late Shri Ambika Prasad Dubey Aged About 63 Years R/o Civil Colony, Mungeli Naka, Bilaspur, Distt. Bilaspur, Chhattisgarh.

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Distt. Raipur, Chhattisgarh.

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector 19, North Block, Atal Nagar, Naya Raipur, Distt. Raipur, Chhattisgarh.

3 - Collector Bilaspur, Distt. Bilaspur, Chhattisgarh.

4 - Chief Executive Officer Zila Panchayat Bilaspur, Distt. Bilaspur, Chhattisgarh.

5 - Chief Executive Officer Janpad Panchayat Kota, Distt. Bilaspur, Chhattisgarh.

--- **Respondent(s)**

WPS No. 11832 of 2025

Smt. Rukmani Thakur W/o Shri Shiw Kumar Thakur Aged About 65 Years R/o Shanti Nagar, Magarlod, Dhamtari, District Dhamtari (C.G.)

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector- 19, North Block, Atal Nagar, Naya Raipur, District Raipur (C.G.)

3 - Collector Dhamtari, District Dhamtari (C.G.)

4 - Chief Executive Officer Zila Panchayat Dhamtari, District Dhamtari (C.G.)

5 - Chief Executive Officer Janpad Panchayat Magarlod, District Dhamtari (C.G.)

--- **Respondent(s)**

WPS No. 11841 of 2025

Bhagwan Lal Sahu S/o Late Shri Parasram Sahu Aged About 64 Years R/o Village Kawali, Tahsil Dhbhra, District Sakti (C.G.)

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through - The Secretary, Dpeartment Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector - 19, North Block, Atal Nagar, Naya Raipur, District Raipur (C.G.)

3 - Collector Raigarh, District Raigarh (C.G.)

4 - Chief Executive Officer Zila Panchayat Raigarh, District Raigarh (C.G.)

5 - Chief Executive Officer Janpad Panchayat Kharsiya, District Raigarh (C.G.)

--- **Respondent(s)**

WPS No. 11859 of 2025

Tejram Dansena S/o Late Shri Damodar Prasad Dansena Aged About 64 Years R/o Kodtarai, District Sakti Chhattisgarh

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector-19, North Block, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh

3 - Collector, Raigarh District Raigarh Chhattisgarh

4 - Chief Executive Officer Zila Panchayat Raigarh, District Raigarh Chhattisgarh

5 - Chief Executive Officer Janpad Panchayat Kharsiya, District Raigarh Chhattisgarh

--- **Respondent(s)**

WPS No. 11865 of 2025

Sidar Singh Sidar S/o Late Shri Hari Prasad Aged About 63 Years R/o Kodtarai, District Sakti (C.G.)

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector- 19, North Block, Atal Nagar, Naya Raipur, District Raipur (C.G.)

3 - Collector Raigarh, District Raigarh (C.G.)

4 - Chief Executive Officer Zila Panchayat Raigarh, District Raigarh (C.G.)

5 - Chief Executive Officer Janpad Panchayat Raigarh, District Raigarh (C.G.)

--- **Respondent(s)**

WPS No. 11913 of 2025

Thakurram Yadu W/o Late Channuram Yadu Aged About 64 Years R/o Saket Nagar, Govindpur, Kanker, District Kanker (C.G.)

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector - 19, North Block, Atal Nagar, Naya Raipur, District Raipur (C.G.)

3 - Collector Dantewada, District Dantewada (C.G.)

4 - Chief Executive Officer Zila Panchayat Dantewada, District Dantewada (C.G.)

5 - Chief Executive Officer Janpad Panchayat, Dantewada, District Dantewada (C.G.)

--- **Respondent(s)**

WPS No. 11917 of 2025

Dinesh Kumar Sharma S/o Late Kranti Kumar Sharma Aged About 64 Years R/o Ward No. 11, Brahmanpara, Patan, District Durg (C.G.)

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector- 19, North Block, Atal Nagar, Naya Raipur, District Raipur (C.G.)

3 - Collector Durg District Durg (C.G.)

4 - Chief Executive Officer Zila Panchayat Durg, District Durg (C.G.)

5 - Chief Executive Officer Janpad Panchayat Patan, District Durg (C.G.)

--- **Respondent(s)**

WPS No. 11932 of 2025

Surendra Giri Goswami S/o Late Shri Prem Giri Goswami Aged About 63 Years R/o Village And Post Chhindgarh, District Sukma (C.G.)

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)

2 - Director Directorate Of Panchayat And Rural Development, Vikas Bhawan, Sector- 19, North Block, Atal Nagar Naya Raipur, District Raipur (C.G.)

3 - Collector Sukma District Sukma (C.G.)

4 - Chief Executive Officer Zila Panchayat Sukma, District Sukma (C.G.)

5 - Chief Executive Officer Janpad Panchayat Chhindgarh, District Sukma (C.G.)

--- **Respondent(s)**

WPS No. 12544 of 2025

Premlal Vishwakarma S/o Late Shri Baldauprasad Vishwakarma Aged About 68 Years R/o Infront Of Chhattisgarh Gramin Bank Kartala, Police Station And Tehsil Kartala, District : Korba, Chhattisgarh

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)

2 - Collector Janjgir, District : Janjgir-Champa, Chhattisgarh

3 - Chief Executive Officer Zila Panchayat Korba, District : Korba, Chhattisgarh

4 - Chief Executive Officer Janpad Panchayat Kartala, District : Korba, Chhattisgarh

... Respondents

(Cause title is taken from Case Information System)

For Petitioners	:	Ms. Meena Shastri, Advocate alongwith Mr. Ramesh Nayak, Advocate
For Respondent/ State	:	Mr. Y.S. Thakur, Addl. A.G. alongwith Mr. Shahil Singh, Mr. Anadi Sharma and Ms. Apurva Nigam, Panel Lawyers
For Respective Respondents	:	Mr. C.J.K. Rao, Ms. Diksha Gouraha, Mr. Gajendra Prakash Sahu, Mr. Shaleen Singh Baghel, Mr. Ujjawal Gouraha, Mr. Rahul Sahu, Ms. Akanksha Verma, Mr. Ishwar Jaiswal, Mr. Anurag Verma, Mr. Dilharan Yadav, Mr. Mukul Chaturvedi, Advocates

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

CAV Order

1. Since common facts and issues are involved in the present batch of writ petitions, they are being heard and decided by this common order. For the sake of convenience, the pleadings and documents of WPS No. 11820 of 2025 are being referred.

2. By the present writ petitions, the petitioners seek quashment of the impugned order dated 21.07.2025 (Annexure P/1 to WPS No. 11820/2025) passed by respondent No.2, whereby the petitioners have been denied the pension.

3. (a) Learned counsel for the petitioners submits that the petitioners were appointed under the concerned Panchayat and, after rendering long and unblemished service, were confirmed/permanently appointed and ultimately superannuated from service. It is submitted that despite the petitioner having rendered qualifying service and having retired in accordance with the applicable Fundamental Rules, they have been denied pension, whereas similarly situated employees of other Janpad Panchayats have been extended the benefit of pension. Learned counsel submits that Section 131 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short, “the Act of 1993”) is a saving provision protecting the pay, allowances, pension and retirement benefits of permanent employees who were in service on the date of commencement of the said Act and, therefore, the petitioners, having been appointed prior to the commencement of the Act, are entitled to pension. She would place reliance upon the communications issued by the Department of Panchayat and Rural Development and the orders whereby similarly situated employees have been granted pension.

(b) Learned counsel further submits that the denial of pension to the petitioners is discriminatory, particularly when employees of

certain other Panchayats have been receiving pension. In this regard, it is submitted that employees of Janpad Panchayat Gunderdehi, District Balod, are also receiving pensionary benefits, which demonstrates that pension has, in fact, been extended to similarly situated Panchayat employees. It is contended that the petitioners cannot be singled out for denial of the same benefit. Learned counsel, therefore, submits that the impugned order has proceeded on an erroneous interpretation of Section 131 of the Act of 1993 and has failed to take into consideration the protection available to the petitioners under the said provision. She would also submit that the Janpad Panchayats where the petitioners are being employed have not passed any resolution pursuant to the order dated 06.01.2003. She would lastly contend that the pensionary benefit, being an earned retiral benefit, cannot be denied arbitrarily and, therefore, the impugned order deserves to be quashed and the respondents be directed to release pension to the petitioners.

(c) In support of her contention, learned counsel placed reliance upon the decision rendered by the Supreme Court in ***D.S. Nakara and Others vs. Union of India reported in (1983) 1 SCC 305*** and ***Janpad Panchayat & Zila Panchayat Karamchari Sangh and Others vs. State of M.P. and Other reported in (1998) 8 SCC 568.***

4. (i) Per contra, learned State counsel submits that the petitioners are the employees of the concerned Janpad Panchayat and not

the Government servants appointed to a civil service or post in connection with the affairs of the State. Therefore, the Chhattisgarh Civil Services (Pension) Rules, 1976 (in brevity, “the Rules of 1976”) are not applicable to the petitioners. It is further submitted that neither the Act of 1993 nor the Panchayat Services (Recruitment and General Conditions of Service) Rules, 1999 contains any provision providing for pension to the employees of Gram Panchayat, Janpad Panchayat or Zila Panchayat.

(ii) By referring to para 12 of the affidavit filed by the State, learned State counsel submits that according to Rule 40 of the provisions of the Madhya Pradesh Janpad Panchayat Employee (Qualification, Recruitment and Service Conditions) Rules, 1976 employees of the Janpad Panchayat are entitled to provident fund scheme as per the provisions of Section 147 of the Madhya Pradesh Panchayat Adhiniyam, 1962. He would submit that the recruitment rules and service conditions applicable to the petitioners at the time of appointment categorically indicated that retirement benefits would be governed by the Provident Fund Scheme. According to the learned counsel, during the service period of the petitioners no provision has been introduced entitling them the claim of pension benefits.

(iii) Learned State counsel further submits that the petitioners were governed by the Contributory Provident Fund Scheme and had availed the benefits thereunder, and, therefore, in view of Rule 2(2)(d) of the Rules of 1976, in any event, the said Pension

Rules would have no application to the petitioners. It is contended that Section 131 of the Act of 1993 is only a saving provision and protects an existing pensionary benefit only where such benefit was otherwise available to the employee under the pre-existing legal regime; it does not create a new right to pension in absence of any statutory provision or pension scheme.

(iv) Learned State counsel specifically controverts the submission of the petitioner that similarly situated employees of Janpad Panchayat Gunderdehi, District Balod, are receiving pension as a matter of statutory entitlement. It is submitted that only three employees of Janpad Panchayat Gunderdehi and three employees of Janpad Panchayat Takhatpur are presently receiving pension from pension funds created by the respective Janpad Panchayats, pursuant to resolutions of their respective General Administration Committees, wherein contributions were made by the concerned Janpad Panchayats and the employees. It is submitted that such payment is not under any statutory pension scheme framed by the State Government. On the contrary, the Department of Panchayat and Rural Development has already issued show-cause notices dated 27.08.2026 and 31.08.2026 to the concerned authorities seeking an explanation as to the basis on which pension is being paid in the absence of any statutory provision. Learned State counsel, therefore, submits that the petitioners cannot claim parity with an action which itself is under examination by the competent authority and which does not

confer any statutory right upon him. He lastly submits that the principle of equality cannot be invoked to perpetuate an illegality or an action contrary to the statutory framework. Hence, the writ petition deserves to be dismissed.

5. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.

6. The principal question which arises for consideration in the present writ petitions is as to whether the petitioners, who were appointed under the Panchayat establishment and thereafter retired from service, has an enforceable statutory right to claim pension. The petitioners principally rely upon Section 131 of the Act of 1993 and contends that, being a permanent employee appointed prior to coming into force of the said Act, their existing pensionary benefits stand protected. The petitioners have also placed reliance upon the fact that certain employees of other Janpad Panchayats, particularly Janpad Panchayat Gunderdehi, District Balod, have been receiving pension.

7. So far as the aforesaid submission regarding the employees of Janpad Panchayat Gunderdehi, District Balod is concerned, the same does not advance the case of the petitioners. The affidavit filed by the Secretary, Department of Panchayat and Rural Development, pursuant to the order passed by this Court, specifically explains that three employees of Janpad Panchayat Gunderdehi are receiving pension from a pension fund created by

the said Janpad Panchayat pursuant to a resolution of its General Administration Committee. It has further been stated that similar pension is being paid by Janpad Panchayat Takhatpur. However, according to the affidavit, such payment is not being made pursuant to any pension scheme framed under the Act of 1993 or the Rules framed thereunder. On the contrary, show-cause notices dated 27.08.2026 and 31.08.2026 have already been issued to the concerned authorities seeking an explanation as to the authority under which such pension is being paid. Thus, mere payment of pension by a particular Janpad Panchayat pursuant to its own resolution or through a locally constituted fund cannot, by itself, create a statutory right in favour of the petitioner or establish that pension is available as a matter of right to all similarly situated Panchayat employees.

8. It is well settled that the Court, while exercising jurisdiction under Article 226 of the Constitution of India, is required to adjudicate the rights of the parties in accordance with the existing statutory framework and cannot travel beyond the provisions enacted by the competent Legislature.

9. In *State of* ***Himachal Pradesh & Others v. Satpal Saini***[1]*,* the Supreme Court, while considering the limits of judicial review, observed that judicial review cannot encroach upon the basic constitutional function which is entrusted to the legislature and that the Court cannot direct the Legislature either to enact a law or

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1 (2017) 11 SCC 42

to amend a law which it has enacted. The Supreme Court further observed that the Court does not sit in judgment over legislative policy.

10. Similarly, in ***Supreme Court Employees' Welfare Assn. v. Union of India***[2], the Supreme Court held that a court cannot direct the legislature to enact a particular law. This is because under the constitutional scheme, Parliament exercises a sovereign power to enact law and no other authority can issue directions to frame a particular piece of legislation. This principle was reiterated in **State of *J & K v. A.R. Zakki***[3], where it has been observed thus (p. 554, para 10) :-

> "10. A writ of mandamus cannot be issued to the legislature to enact a particular legislation. Same is true as regards the executive when it exercises the power to make rules, which are in the nature of subordinate legislation. Section 110 of the J&K Constitution, which is on the same lines as Article 234 of the Constitution of India, vests in the Governor, the power to make rules for appointments of persons other than the District Judges to the Judicial Service of the State of J&K and for framing of such rules, the Governor is required to consult the Commission and the High Court. This power to frame rules is legislative in nature. A writ of mandamus cannot, therefore, be issued directing the State Government to make the rules in accordance with the proposal made by the High Court."

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2 (1989) 4 SCC 187

3 1992 SCC (L&S) 427

11. In ***V.K. Naswa v. Union of India***[4], the Supreme Court referred to a large number of decisions and held that: (SCC p. 547, para 18)

> "18. Thus, it is crystal clear that the court has a very limited role and in exercise of that, it is not open to have judicial legislation. Neither the court can legislate, nor has it any competence to issue directions to the legislature to enact the law in a particular manner."

12. The judiciary is one amongst the three branches of the State; the other two being the executive and the legislature. Each of the three branches is co-equal. Each has specified and enumerated constitutional powers. The judiciary is assigned with the function of ensuring that executive actions accord with the law and that laws and executive decisions accord with the Constitution. The Courts do not frame policy or mandate that a particular policy should be followed. The duty to formulate policies is entrusted to the executive whose accountability is to the legislature and, through it, to the people. The peril of adopting an incorrect policy lies in democratic accountability to the people. This is the basis and rationale for holding that the Court does not have the power or function to direct the executive to adopt a particular policy or the legislature to convert it into enacted law. It is wise to remind us of these limits and wiser still to enforce them without exception.

13. Thus, where the governing statutory provisions do not confer a particular benefit, such benefit cannot be directed to be extended merely because the Court considers it desirable or because a

4 (2012) 2 SCC 542

similar benefit is stated to have been extended by some other authority. The doctrine of separation of powers mandates that the Courts be circumspect while directing the executive to adopt a particular policy or the legislature to enact a law in a particular manner.

14. In the present case, the petitioners have not been able to point out any statutory provision or pension scheme applicable to the employees of the Janpad Panchayat under which they acquired an independent right to pension. Section 131 of the Act of 1993, on its plain language, is a saving provision protecting the pay, allowances, pension and retirement benefits of permanent employees existing on the date on which the Act came into force. However, the said provision cannot be construed as creating a pensionary entitlement where no such entitlement existed under the applicable service conditions or statutory scheme. The material placed on record by the State further indicates that the employees of the Panchayat are not governed by the Rules of 1976 and that there is no pension provision under the Panchayat Services (Recruitment and General Conditions of Service) Rules, 1999.

15. It is pertinent to mention here that the recruitment rules and service conditions applicable to the petitioners at the time of appointment clearly indicated that retirement benefits would be governed by the Provident Fund Scheme. There has been no amendment to the petitioners' service conditions during their

tenure that would entitle them to claim pension benefits. Even the petitioners also failed to establish the fact that under what provision they are entitled for pension. It is noteworthy to mention here that the petitioners are not controverting the submission made by the State that they are getting the benefit of Contributory Provident Fund (CPF). Thus, in absence of any particular provision in this regard, no relief can be granted to the petitioners as sought for in the present batch of petitions.

16. The reliance placed by the petitioners upon the general proposition that pension is a valuable right and is in the nature of property under Article 300-A of the Constitution of India also does not assist the petitioner in the absence of any established statutory entitlement that too when getting the fruits of Contributory Provident Fund (CPF).

17. The Hon'ble Supreme Court in ***State of Jharkhand & Others v. Jitendra Kumar Srivastava & Another***[5], has recognised the right to receive pension as a right in property; however, the said principle operates where the employee has an existing entitlement to pension under the governing law. It cannot be understood as creating a pensionary right independently of the statutory rules or scheme governing the service.

18. Chhattisgarh Civil Services (Pension) Rules, 1976 came into force on 1.6.1976. Rule 2 states that Rule shall apply to every Government servant appointed to civil services and posts in

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5 (2013) 12 SCC 210

connection with the affairs of the State of Chhattisgarh and who are borne on establishments not declared as non-pensionable. It is further clarified that these rules shall not apply to persons in a work-charged establishment; persons in casual and daily rated employment; persons paid from contingency fund; persons entitled to the benefit of Contributory Provident Fund; persons employed on contract except when the contract provides otherwise; and persons whose terms and conditions of service are regulated by any other rules for the time being in force.

19. Thus, bare reading of the above quoted provisions would make it clear that pensionary benefits, as a matter of right, can be claimed by a Government servant appointed to a civil service. In the case at hand, it is nowhere stated that the posts held by the petitioners are pensionable. It is not disclosed that they acquired status of civil servant.

20. The similar issue came up for consideration before a Coordinate Bench of this Court in ***Hemrai Nishad v. State of Chhattisgarh & Ors. and other connected matters*** **(WPS No. 1335/2021, decided on 17.07.2026)**, wherein the Court considered the issue and held as under:-

> “18. Pension and others services related claims originate from service rules and in absence of rules governing pension etc. the petitioners are not entitled for any benefit as prayed for. Pension rules do not apply to the Panchayat Secretaries appointed under the Panchayat

Raj Adhiniyam and during service career the petitioners never claimed such benefits and therefore, also they are not entitled.

19. In the matter of Om Prakash Parhi Vs. State of Chhattisgarh & Others passed in WPS No. 2166 of 2023, the similar claim of Panchayat Secretary has been rejected vide order dated 21.1.2026. The coordinate bench in Para- 7 held as under:-

> "7. Upon perusal of the record of the case, it is evident that the above Notification and Order have been passed in respect of the State Government Employees, who were previously covered under the New Pension Scheme. Subsequently, the State has clarified these orders to extend the benefit of Old Pension Scheme to all such employees. However, this Scheme has not been made available to the members/employees of the Panchayat Service."

20. The High Court of Madhya Pradesh in the matter of Baliram Khedekar Vs. Panchayat and Rural Development, passed in Writ Petition No. 19821 of 2020, dated 6.1.2026 rejected the claim of a Panchayat Secretary with regard to grant of benefit like regular pay scale and pension etc. holding that Panchayat employees are not Government servants. Panchayat institutions are autonomous bodies and their employees are governed by separate recruitment and service rules. Merely because a Panchayat employees performs public functions does not make him a Government servant. The Panchayat employees worked in Panchayat department, drew salary from Panchayat funds and was governed by Panchayat rules. The relevant Paras- 15, 17 and 18 are reproduced herein below:-

> “15. The law is well settled that Panchayat employees are not Government servants. Panchayat institutions are autonomous bodies and their employees are governed by the separate recruitment and service rules. Merely because a Panchayat employee performs public functions does not make him a Government servant. The petitioner continued to work in Panchayat service, drew salary from Panchayat funds and was governed by Panchayat rules. Therefore, the claim that he should be deemed a Government servant from the date of initial appointment is legally unsustainable.
>
> 17. The impugned order dated 13/11/2019 reflects due application of mind. The respondents have considered the petitioner’s claim in the light of statutory provisions, Government circulars and judicial precedents. The reasons assigned in the impugned order are cogent, rational and legally sustainable. This Court does not find any element of arbitrariness, malice or violation of constitutional principles warranting interference under Article 226 of the Constitution of India.
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> 18. For the reasons stated hereinabove, this Court is of the firm opinion that the petitioner has failed to establish any legal or constitutional right for absorption in Government service from the date of his initial appointment. The writ petition is based on an erroneous understanding of law and misplaced reliance on isolated judicial orders.”

21. It is noteworthy to mention here that Panchayat employees are not Government servants. Panchayat institutions are autonomous bodies and their employees are governed by the separate

recruitment and service rules. Merely because a Panchayat employee performs public functions does not make him a Government servant. The petitioner continued to work in Panchayat service, drew salary from Panchayat funds and was governed by Panchayat rules. Therefore, the claim that they should be extended the benefit of pension is legally unsustainable.

22. The reliance placed by the petitioners upon the decision rendered by the Supreme Court in the matter of D.S. Nakar (supra) and Janpad Panchayat & Zila Panchayat Karamchari Sangh (supra) are not applicable to the facts of the present *lis,* as the said decisions are distinguishable.

23. In view of the aforesaid discussion and applying the well settled principles of law, this Court is of the considered opinion that the petitioners have failed to establish any statutory entitlement to pension. The fact that certain employees of other Janpad Panchayats are stated to be receiving pension from locally constituted funds cannot confer a corresponding statutory right upon the petitioners, particularly when the State has specifically disputed the legality of such payments and has initiated proceedings in that regard. An erroneous or disputed benefit extended by one authority cannot be made the basis for issuing a mandamus contrary to the governing statutory framework.

24. Consequently, no infirmity can be found in the impugned order warranting interference by this Court in exercise of its writ

jurisdiction.

25. Since all the writ petitions are similar in nature and involve common questions of fact and law, and challenge the respective impugned orders whereby the petitioners have been denied pension, this Court finds no merit in the present batch of writ petitions. The petitioners have failed to establish any statutory entitlement to pensionary benefits and, therefore, no interference with the respective impugned orders is warranted.

26. *Ex consequenti*, all the writ petitions, being devoid of merit, deserve to be and are hereby **dismissed**. There shall be no order as costs.

Sd/-

(BIBHU DATTA GURU)
JUDGE

$. Bhilwar/ Gowri

HEAD NOTE

The doctrine of separation of powers mandates that the Courts be circumspect while directing the executive to adopt a particular policy or the legislature to enact a law in a particular manner.