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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2276 of 2015

- Latel Ram Yadav son of Dularwa Yadav Aged About 63 years R/o Village Khisora, P.S. Akaltara, District Janjgir- Champa, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer Water Resources Department, Raipur, District Raipur, Chhattisgarh
3. Executive Engineer, Hasdev Canal Water Management Division, Janjgir, District Janjgir-Champa, Chhattisgarh
4. Joint Director, Treasury, Accounts And Pension, Bilaspur (Chhattisgarh)

---- Respondents

And

WPS No. 2277 Of 2015

- Suruj Ram Yadav son of Mahettar Yadav Aged About 63 years R/o Village Khisora, P.S. Akaltara, District Janjgir- Champa, Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer Water Resources Department, Raipur, District Raipur, Chhattisgarh
3. Executive Engineer, Hasdev Canal Water Management Division, Janjgir, District Janjgir-Champa, Chhattisgarh
4. Joint Director, Treasury, Accounts And Pension, Bilaspur (Chhattisgarh)

---- Respondents

And

WPS No. 2278 Of 2015

- Kartik Ram Kashyap son of Kapil Aged About 62 years residence of Police-Station Akaltara, District Janjgir-Champa, Chhattisgarh

---- **Petitioner**

Vs

1. State of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer Water Resources Department, Raipur, District Raipur, Chhattisgarh
3. Executive Engineer, Hasdev Canal Water Management Division, Janjgir, District Janjgir-Champa, Chhattisgarh
4. Joint Director, Treasury, Accounts And Pension, Bilaspur (Chhattisgarh)

---- **Respondents**

And

WPS No. 2279 Of 2015

- Ram Dayal Sahu S/o Ran Sai Aged About 67 years Residence Of Village And Post Loharsi Via Shivrinarayan, Tahsil Pamgarh, District Janjgir-Champa, Chhattisgarh.

---- **Petitioner**

Vs

1. State of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer Water Resources Department, Raipur, District Raipur, Chhattisgarh
3. Executive Engineer, Hasdev Canal Water Management Division, Janjgir, District Janjgir-Champa, Chhattisgarh
4. Joint Director, Treasury, Accounts And Pension, Bilaspur (Chhattisgarh)

---- **Respondents**

And

WPS No. 2280 Of 2015

- Baldau Prasad Sahu S/o Late Girdhari Lal Sahu Aged About 66 years Residence Of Village And Post Sonsari Via Nariyara, District Janjgir-Champa, Chhattisgarh.

---- **Petitioner**

Vs

1. State of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer Water Resources Department, Raipur, District Raipur, Chhattisgarh
3. Executive Engineer, Kelo Project, Water Resources Division Raigarh, District Raigarh, Chhattisgarh
4. Joint Director, Treasury, Accounts And Pension, Bilaspur (Chhattisgarh)

---- Respondents

And

WPS No. 2281 Of 2015

- Tatu Ram Baret S/o Pyare Lal Baret Aged About 65 years R/o Podidalha, P.S. Akaltara, District Janjgir-Champa, Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer Water Resources Department, Raipur, District Raipur, Chhattisgarh
3. Executive Engineer, Hasdev Canal Water Management Division, Janjgir, District Janjgir-Champa, Chhattisgarh
4. Joint Director, Treasury, Accounts And Pension, Bilaspur (Chhattisgarh)

---- Respondents

And

WPS No. 2282 Of 2015

- Mannu Ram S/o Dukna Aged About 63 years Retired Gangman, Office Of Sub Divisional Officer PWD, Sub Division No. 1, Ambikapur, District Sarguja Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh

2. Executive Engineer, Public Works Department, Ambikapur, District Sarguja Chhattisgarh
3. Sub-Divisional Officer, Public Works Department, Sub-Division No.1, Ambikapur, District Sarguja, Chhattisgarh
4. Joint Director, Treasury, Accounts and Pension, Ambikapur, District Sarguja Chhattisgarh

---- Respondents

And

WPS No. 2283 Of 2015

- Chandan Das Mahant S/o Bisahu Das Mahant Aged About 63 years R/o Narayara P.S. Pamgarh, District Janjgir Champa Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer Water Resources Department, Raipur, District Raipur, Chhattisgarh
3. Executive Engineer, Hasdev Canal Water Management Division, Janjgir, District Janjgir-Champa, Chhattisgarh
4. Joint Director, Treasury, Accounts And Pension, Bilaspur (Chhattisgarh)

---- Respondents

And

WPS No. 2284 Of 2015

- Tirith S/o Ram Singh Aged About 68 years Retired Gangman, Office Of Sub Divisional Officer, PWD Sub Division Ramanujganj District Balrampur Ramanujganj Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Executive Engineer, Public Works Department, Ambikapur, District Sarguja Chhattisgarh
3. Sub-Divisional Officer, Public Works Department, Sub-Division

Ramanujganj, District Balrampur, Ramanujganj Chhattisgarh

4. Joint Director, Treasury, Accounts and Pension, Ambikapur, District Sarguja Chhattisgarh

---- Respondents

And

WPS No. 2285 Of 2015

- Smt. Teras Bai Kewat W/o Alag Ram Kewat, Aged About 40 years R/o Village Khisora, P.S. And Tahsil Akaltara, District Janjgir Champa Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer Water Resources Department, Raipur, District Raipur, Chhattisgarh
3. Executive Engineer, Minimata Bango Canal Division No.6, Nandeli Bhata-Sakti, District Janjgir-Champa, Chhattisgarh
4. Joint Director, Treasury, Accounts And Pension, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondents

And

WPS No. 2286 Of 2015

- Nawal Kishore Singh S/o Bangali Prasad Singh Aged About 65 years R/o Village And Post Hasnpur, Via Hasanpur Road, Sugar Mill, District Samastipur, Bihar

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer Water Resources Department, Raipur, District Raipur, Chhattisgarh
3. Executive Engineer, Hasdev Canal Water Management Division, Janjgir, District Janjgir-Champa, Chhattisgarh

4. Joint Director, Treasury, Accounts And Pension, Bilaspur (Chhattisgarh)

---- Respondents

And

WPS No. 2287 Of 2015

- Trilochan S/o Sahdev Aged About 63 years Retired Gangman, Office Of Sub Divisional Officer, PWD, Sub Division Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Executive Engineer, Public Works Department, Ambikapur, District Sarguja Chhattisgarh
3. Sub-Divisional Officer, Public Works Department, Sub-Division Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh
4. Joint Director, Treasury, Accounts and Pension, Ambikapur, District Sarguja Chhattisgarh

---- Respondents

And

WPS No. 2288 Of 2015

- Sigan S/o Mana Aged About 63 years Retired Gangman, Office Of Sub Divisional Officer PWD, Sub Division Ramanujganj, District Balrampur Ramanujganj Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Executive Engineer, Public Works Department, Ambikapur, District Sarguja Chhattisgarh
3. Sub-Divisional Officer, Public Works Department, Sub-Division Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh
4. Joint Director, Treasury, Accounts and Pension, Ambikapur, District Sarguja Chhattisgarh

---- Respondents

And

WPS No. 2289 Of 2015

- Bhav Singh S/o Shri Adhiram Darro Aged About 67 years Retired Unskilled Labour Office Of The Executive Engineer, Public Works Department Kanker Division, District Kanker Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Executive Engineer, Public Works Department, Kanker Division, District Kanker Chhattisgarh
3. Joint Director, Treasury, Accounts and Pension, Raipur, District Raipur Chhattisgarh

---- Respondents

And

WPS No. 2290 Of 2015

- Ramayan Prasad Nirmalkar S/o Dasrath Aged About 63 years R/o Nariyara, P.S. Pamgarh, District Janjgir-Champa, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer Water Resources Department, Raipur, District Raipur, Chhattisgarh
3. Executive Engineer Hasdev Canal Water Management Division, Janjgir, District Janjgir-Champa, Chhattisgarh
4. Joint Director Treasury, Accounts And Pension, Bilaspur (Chhattisgarh)

---- Respondents

And

WPS No. 2291 Of 2015

- Baldev Ram S/o Late Ronha Ram Aged About 65 years Retired Gangman,

Office Of Sub Divisional Officer PWD, Sub Division Ramanujganj, District Balrampur Ramanujganj Chhattisgarh

---- **Petitioner**

Vs

1. State Of Chhattisgarh Thorough Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raiupr District Raipur Chhattisgarh
2. Executive Engineer, Public Works Department Ambikapur District Surguja Chhattisgarh
3. Sub Divisional Officer Public Works Department, Sub Division Ramanujganj, District Balrampur, Ramanujganj, Chhattisgarh
4. Joint Director Treasury Accounts And Pension Ambikapur, District Surguja Chhattisgarh

---- **Respondents**

And

WPS No. 2292 Of 2015

- Umend Ram Sahu S/o Chinta Ram Sahu Aged About 65 years R/o Village And Post Katnai, P.S. Akaltara, District Janjgir-Champa, Chhattisgarh

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer Water Resources Department, Raipur, District Raipur, Chhattisgarh
3. Executive Engineer Hasdev Canal, Water Management Division, Janjgir, District Janjgir-Champa, Chhattisgarh
4. Joint Director Treasury, Accounts And Pension, Bilaspur (Chhattisgarh)

---- **Respondents**

And

WPS No. 2293 Of 2015

- Sahdev S/o Chamra Aged About 63 years Retired Gangman, Office Of Sub Divisional Officer PWD, Sub Division Ramanujganj, District Balrampur Ramanujganj Chhattisgarh

---- **Petitioner**

Vs

1. State Of Chhattisgarh Thorough Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raiupr District Raipur Chhattisgarh
2. Executive Engineer, Public Works Department Ambikapur District Surguja Chhattisgarh
3. Sub Divisional Officer Public Works Department, Sub Division Ramanujganj, District Balrampur, Ramanujganj, Chhattisgarh
4. Joint Director Treasury Accounts And Pension Ambikapur, District Surguja Chhattisgarh

---- Respondents

And

WPS No. 2294 Of 2015

- Prasad S/o Gosai Aged About 63 years Retired Gangman, Office Of Sub Divisional Officer, PWD, Sub Division Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Executive Engineer Public Works Department, Ambikapur, District Sarguja, Chhattisgarh
3. Sub Divisional Officer Public Works Department, Sub Division, Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh
4. Joint Director Treasury, Accounts And Pension, Ambikapur, District Sarguja, Chhattisgarh

---- Respondents

And

WPS No. 2306 Of 2015

- Asin Mohammad S/o Sheik Rahmat Aged About 64 years R/o Village Banikhar Post Rajdevri Tahsil Kasdole District Baloda Bazar - Bhatapara, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Thorough Secretary Water Resources Department
Mahanadi Bhawan Mantralyaa Naya Raipur District Raipur Chhattisgarh
2. Chief Engineer, Mahanadi Pariyojna Water Resources Department Raipur
District Raipur Chhattisgarh
3. Executive Engineer, Water Resources Department Kasdole, District Baloda
Bazar Bhatapara Chhattisgarh
4. Joint Director Treasury Accounts And Pension Raipur Chhattisgarh

---- Respondents

And

WPS No. 2314 Of 2015

- Bundram Choudhary S/o Kamta Prasad Aged About 64 years Residence Of
Village And Post Ucchbhitti, Raigarh, District Raigarh, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Water Resources Department,
Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Chief Engineer, Water Resources Department, Raipur, District Raipur,
Chhattisgarh.
3. Sub Divisional Officer, Water Resource Department, Sub Division Raigarh,
District Raigarh, Chhattisgarh.
4. Joint Director, Treasury, Accounts And Pension, Bilaspur, Chhattisgarh.

---- Respondents

And

WPS No. 2317 Of 2015

- Dhanijar Nishad S/o Shri Ram Nishad Aged About 63 years Residence Of
Village And Post Bokramuda, Tahsil And District Raigarh, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Water Resources Department,
Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Chief Engineer, Water Resources Department, Raipur, District Raipur,
Chhattisgarh.

3. Sub Divisional Officer, Water Resource Department, Sub Division Raigarh, District Raigarh, Chhattisgarh.

4. Joint Director, Treasury, Accounts And Pension, Bilaspur, Chhattisgarh.

---- Respondents

For Petitioners	:	Shri CJK Rao, Advocate
For Respondents/State	:	Shri PK Bhaduri, Government Advocate with Shri S. Mazid Ali and Shri Bhaskar Payashi, Panel Lawyers for the State.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/06/2015

1. Learned counsel for the petitioners would submit that the petitioners were the employees of work charged and contingency paid establishment, having been earlier appointed as daily wagers 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 petitioners were regularized in the year 2006 and 2008, respectively and retired thereafter.
2. Learned counsel for the petitioners would further submit that the petitioners' past services, prior to the date of regularization, is not counted for the purposes of granting pension and as such, they have been declared ineligible for pension. Learned counsel would refer to the order passed by the Division Bench of this Court decided on 26-2-2015 in Writ Appeal No.281/13 and other connected matters, wherein this Court has held that in view of the State Government's instructions dated 2-3-2005, petitioners 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, all the writ petitions are disposed of with a direction that on fresh representations being filed by the petitioners within a period of four weeks, the respondents shall decide petitioners' entitlement to pension, in accordance with the law laid down by this Court in Writ Appeal No.281/13 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/-

JUDGE

PRASHANT KUMAR MISHRA

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