



## HIGH COURT OF CHHATTISGARH AT BILASPUR

**WPS No. 3291 of 2017**

Kartik Ram Kashyap **versus** State Of Chhattisgarh

**WPS/4723/2017,WPS/4818/2017**

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| 19.03.2026 | <p>Mr. CJK Rao, counsel for the petitioners.</p> <p>Mr. Abhiyuday Tripathi, Panel Lawyer for the State.</p> <p>Heard.</p> <p>Mr. Rao would submit that the Division Bench in Writ Appeal No.1123 of 2012 recorded a specific finding that the petitioners, who were contingency paid employees, have completed a total of 25-30 years in service including the period spent in temporary status and they have acquired permanent status after five years of their appointment. It was also observed that the amount of gratuity was already paid to those contingency paid employees who had attained permanent status under Rule 4(2)(b) of the Contingency Paid Employees Rules, 1975. Mr. Rao would further submit that respondent No.1 vide a memo dated 20.06.2017 interpreted the order passed by the Hon'ble Division Bench and held that the Contingency Paid Employees would not be entitled to receive amount of gratuity. He would contend that the State has taken further decision that the petitioners/Contingency Paid Employees would be entitled to get contributory pension after deposit of their share. It is</p> |

argued that in Writ Appeal No.1123 of 2012, it was also observed that the period spent in temporary service had to be taken into account to reckon pensionable service which clearly brings them within the qualifying period for grant of pension. He would submit that the memo/order dated 20.06.2017 is bad in law and contemptuous.

On the other hand, learned Panel Lawyer appearing for the State would oppose.

Heard.

Taking into consideration submissions made by Mr. CJK Rao and further perusal of the order passed in Writ Appeal No.1123 of 2012, it is apparent that respondent No.1 has consented to assess the pension of the petitioners/contingency paid employees overreaching the order passed by the Hon'ble Division Bench.

Respondent No.1 is directed to file its own affidavit explaining the reasons as to why and how order dated 20.06.2017 has been issued.

Post these matters in the week after next.

Sd/-

**(Rakesh Mohan Pandey)**  
**Judge**