

Babulal Bagh Vs. the State of Madhya Pradesh

Babulal Bagh Vs. the State of Madhya Pradesh

SooperKanoon Citation : sooperkanoon.com/1051570

Court : Madhya Pradesh

Decided On : Oct-05-2012

Appellant : Babulal Bagh

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Lalji Kushwaha

Judgement :

WRIT PETITION No.14307/201

05. 10.20102 Shri Lalji Kushwaha, learned Counsel for the petitioner.

Shri S.M.Lal, learned Govt.

Advocate, for the respondents on advance copy.

The claim made by the petitioner in the present petition is with respect to counting of the service rendered in work charged contingency establishment as Coupe Guard for the purposes of fixation of his pension.

Undisputedly the petitioner was engaged as a Coupe Guard w.e.f.26.02.1960 to 31.03.1968.

He continued as such and later on was absorbed on the post of Forester w.e.f.01.04.1973.

The petitioner has attained the age of superannuation and has retired.

While calculating the period of service of the petitioner for the purpose of fixation of pension, the benefit of the service rendered by the petitioner as work charged employee, has not been counted, though a representation in this respect is made in view of the circular issued by the State Government and, therefore, this writ petition is required to be filed.

It is not in dispute that the controversy involved in the present case was considered in the case of Gopi Pillai versus M.P.E.B., Jabalpur and another [2002(2) MPLJ 278] and taking into consideration the Pension Rules, applicable to the employees concerned, it was held that the period of service rendered in work charged contingency establishment was to be counted for the purpose of calculating the pension.

The fact remains that the Madhya Pradesh Civil Services (Pension) Rules, WRIT PETITION No.14307/201

1976. as also the Madhya Pradesh (Work-Charged and Contingency Paid Employees) Pension Rules, 1979 were considered by this Court and it was held that the employees, if were appointed on contingency and have rendered uninterrupted service before their absorption or regularization in the regular service establishment, the period of service rendered in work-charged contingency would be counted for the purposes of fixation of pension.

The Court has granted the interest at the rate of 8% per annum from the date of entitlement of pension to the persons concerned, who have filed the petition before this Court.

Considering the aforesaid, this writ petition is allowed and disposed of with a direction to the respondents to consider the claim of the petitioner in terms of the order passed by this Court in the case of Gopi Pillai (supra) and to decide the representation made by the petitioner on 25.04.2012.

Since for a period of 10 years the petitioner has not made any claim, he will be entitled to get the interest on the amount of arrears of pension only from the date

of making of the representation.

Let the aforesaid exercise be completed within two months from the date of receipt of certified copy of the order passed today and after refixation of pension of the petitioner, the amount of arrears of pension be paid to the petitioner with interest at the rate of 8% per annum from the date of representation till the date of realization, within the aforesaid period.

WRIT PETITION No.14307/2012 3 With the aforesaid, the writ petition is finally disposed of.

Certified copy as per rules.

(K.K.Trivedi) Judge Skc

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com