

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1662 of 2011

Pradeep Kumar Chipde S/o Late Shri Prabhakar Rao Chipde, aged about 64 years, R/o Bhilai, Maroda, Sector G-31 B, District Durg (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh through the Secretary, Medical & Health Department, DKS Bhawan Mantralaya, Raipur (CG)
2. State Of M.P. Through The Secretary Medical And Health Department Vallabh Bhawan Mantralaya Bhopal (MP)
3. Joint Director, Pension And Treasury, Bilaspur (CG)
4. Chief Medical And Health Officer Bilaspur (CG)

---- Respondents

For Petitioner	:	Shri N.K. Vyas, Advocate
For State	:	Shri Gary Mukhopadhyay, Dy. Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/06/2016

Heard.

1. The father of the petitioner was working as contingency driver in the services of respondent and was regularized vide order dated 30.1.1975 w.e.f. 23.2.1972. Later on, he retired from services on 31st October, 1980. This petition was initially filed by the widow of deceased employee claiming retiral benefits on the ground that the deceased-employee was entitled to pension after his death in view of the provision contained in the M.P. (Work Charged and Contingency Paid Employees) Pension Rules. 1979.
2. Learned counsel for the petitioner submits that similar issue came up for consideration in the case of similarly situated contingency & work charged

employee and an order was passed by this Court on 17.4.2015 in the case of **Naval Kishore Mishra Vs. State of Chhattisgarh & Ors.**, wherein it has been held that as the period which would earn pensionable service, has been reduced from 10 to 6 years, if regular services have been rendered for a period of 6 years there will be entitlement for grant of pension under the pension Rules of 1979 applicable in the case of work charged and contingency paid employees. Writ appeal filed by the State in similar case was also dismissed upholding the right to get pension where the work charged & contingency paid employee after regularization has completed 6 years of service.

3. The State counsel does not dispute the legal position. He, however, submits that claim of the petitioner would require verification of the facts.
4. In view of the above, this petition is also disposed off with a direction to carry out necessary verification of facts with regard to the date of regularization and the period of services rendered by the father of the petitioner and then take a decision in the manner according to the legal position adumbrated by this Court in the case of **Naval Kishore Mishra (supra)** and order dated 19th March, 2014 passed in Writ Appeal No.114/2014 in the case **State of Chhattisgarh & Ors. Vs. Lakhanlal**. The matter should be decided by the respondent No.3 /Joint Director within a period of 3 months from the date of receipt of copy of this order.
5. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge