

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.185 of 2016**

Municipal Corporation, Bhilai, District Durg, through the
Commissioner, Municipal Corporation, Bhilai, Chhattisgarh

---- Appellant

versus

1. Nirmal Chandra Sharma, S/o Late Shri Shyam Sundar Lal Sharma, aged about 61 years, working as Tracer, Planning Department, Municipal Corporation, Bhilai, R/o "Shyam Kuti", Block-O, Plot-3, Motilal Nehru Nagar, Bhilai, District Durg, Chhattisgarh
2. State of Chhattisgarh, through the Principal Secretary, Department of Town Administration and Development Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
3. Directorate Town Administration & Development, State of Chhattisgarh, Raipur, Chhattisgarh
4. Deputy Director, Urban Administration and Development (Controller of Pension for Local Bodies), Raipur Division, Raipur, Chhattisgarh

---- Respondents

For Appellant	: Shri H.B. Agrawal, Senior Advocate with Shri Pankaj Agrawal, Advocate
For Respondent No.1	: Shri Jitendra Pali, Advocate
For State/Respondents No.2 to 4	: Shri Ramakant Mishra, Deputy Advocate General

Hon'ble Shri Deepak Gupta, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per Deepak Gupta, Chief Justice

22/6/2016

1. By means of this writ appeal, Municipal Corporation, Bhilai has challenged the order dated 8.2.2016 passed by Learned Single Judge of this Court in Writ Petition (S) No.2664 of 2015, whereby the Learned Single Judge has directed that the services rendered by the Petitioner/Respondent No.1 herein under the Special Area Development Authority, Bhilai (henceforth 'SADA') prior to his absorption in Municipal Corporation, Bhilai be taken into consideration for calculating his pensionary benefits.

2. It would be pertinent to mention here that the Municipal Corporation had, in fact, recommended for counting such services, but, at that time,

the State Government had not agreed to do so. After the judgment was passed by this Court in the aforesaid case, the State Government has issued a memo dated 16.5.2016, wherein in compliance with the judgment of the Learned Single Judge passed in various writ petitions including Writ Petition (S) No.2664 of 2015, the services of the employees rendered in SADA have been directed to be calculated for pensionary benefits. Therefore, we find that the writ appeal has become infructuous.

3. The writ appeal stands disposed of accordingly.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE