

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3111 of 2016

Dashrath Kumar Yadav S/o Late Sitaram Yadav, Aged About 64 Years R/o Gram
Post Bhaistra Thana Baloda, Tehsil Akaltara, District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Water Department Naya Raipur
Mantralaya Raipur Chhattisgarh
2. Director, Treasure, Accounts And Audit Department, Raipur Chhattisgarh

---- Respondents

Shri Lav Sharma, counsel for the petitioner/s.
Shri Gary Mukhopadhyaya, Dy.G.A. for the State on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/07/2016

The petitioner has filed this petition seeking issuance of direction for consideration of his application for grant of pension.

2. Learned counsel for the petitioner submits that in view of the order of the Division Bench passed on 26/02/2015 in W.A. No.281/2013 (*Lakhanram Sahu and ors. Vs. State of Chhattisgarh and ors.*) and batch of appeals, the period of services rendered by the petitioner after completion of five years of contingency service are required to be treated as temporary and consequently for pension purposes. He submits that otherwise also, as the petitioner had completed six years of service after his regular appointment, he is entitled to pension in view of provisions contained in Pension Rules, 1979.

3. Learned State counsel submits that though there is no quarrel with the legal proposition in the judgments of this Court, whether the petitioner is entitled to the benefit, would depend upon whether the petitioner is similarly situated and verification of facts with regard to date of appointment, regular appointment and date of retirement.

4. Considering the submission, this petition is disposed off with a direction to the respondents to consider petitioner's case in the light of order dated 26/02/2011 passed in W.A.No.281/2013 and batch of petitions and upon verification of facts, if it is found that the petitioner is similarly situated, same benefit shall be extended to the petitioner in accordance with law.

5. Considering that the petitioner has already retired as contingency employee, it is directed that decision should be taken within an outer limit of three months from the date of receipt of copy of this order.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Deepti