

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3580 of 2016

Smt. Mana Bai Nirmalkar Wd/o Late Bhagvati Nirmalkar, Aged About 65 Years R/o Village Jhulna, P.S. Nandghat, District Bemetara, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Engineer In Chief, Public Works Department, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
3. Executive Engineer, Public Works Department (B/ R), Division Bemetara, District Durg, At Present Bemetara, (Chhattisgarh)
4. Sub Divisional Officer, Public Works Department (B/ R), Sub Division Bemetara, District Durg, At Present Bemetara, (Chhattisgarh)

---- Respondents

For Petitioner : Shri F.S. Khare, Advocate
For Respondent-State : Shri D.R. Minj, Dy. Govt. Advocate

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

Order On Board

10/08/2016

Heard on admission.

1. The petitioner is wife of the deceased-employee. It is submitted that the husband of the petitioner was continuously working under the work-charged contingency established since 1974 and was regularized in the established on 26.8.2008. He retired on 31.4.2009 and, thereafter, died

on 29.12.2015. It is submitted that the petitioner is the widow of deceased employee and in view of the judgment in the case of **Lakhanram Sahu & Ors. Vs. State of Chhattisgarh & Ors.** vide order dated 26th February, 2015 passed by the Division Bench of this Court, the period of temporary service rendered by the husband of the petitioner is required to be taken in the account for counting pensionable service.

2. Learned counsel for the State does not dispute the legal position, however, he submits that the State has preferred SLP in the Supreme Court which is pending.

Upon being asked no martial was placed to show that the order passed by the Division Bench has been stayed or set aside.

3. In view of the above, the respondents are liable to consider the claim of the widow of the deceased-employee, on the similar lines as observed by the Division Bench in the case of **Lakhanram Sahu** (supra), subject to verification of facts and satisfaction that the deceased employee/husband of the petitioner was also similarly situated and entitled to pension.
4. With the aforesaid observation/direction, the petition is finally disposed off.

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