

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No.5060 of 2016**

Dashrath Ram S/o Chhoteram, Aged About 63 Years R/o Village Sogda, Tahsil Manora, District Jashpur Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Water Resources Department Mahandi Bhawan New Raipur P.S. Rakhi District Raipur Chhattisgarh
2. The Superintending Engineer, Shyam Barnai Project Division, Ambikapur, Distirct Surguja Chhattisgarh
3. The Executive Engineer, Water Resources Division, Jashpur District Jaspur Chhattisgarh
4. The Joint Director, Treasury Account & Pension Ambikapur District Surguja Chhattisgarh

**---- Respondents**


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| For Petitioner       | : | Mr. Harish Khuntiya, Advocate       |
| For Respondent-State | : | Mr. S.P. Kale, Dy. Advocate General |

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**Hon'ble Shri Manindra Mohan Shrivastava, J.****Order on Board****22/09/2016**

1. Heard on admission.
2. The petitioner has filed this petition seeking issuance of direction for consideration of his application for grant of pension.
3. 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.

4. 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.

5. 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.

6. 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**