

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4497 of 2016

Smt. Rumati Bai Wd/o Late Baratu Ram Thakur, Aged About 57 Years R/o Village- Hathoura, Tahsil- Doundi Lohara, District Balod Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary, Public Work Department, Mahanadi Bhawan, Mantralaya, Naya Raipur (Chhattisgarh)
2. Executive Engineer, Public Work Department, (B./ R) Division Balod, District Balod Chhattisgarh
3. Sub Divisional Officer, Public Work Department, (B / R) Sub Division No. 02 Balod, District Balod Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Hemant Kesharwani, Advocate
For State	:	Mr. R.K. Gupta, Dy. A.G.

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

Order On Board

06/09/2016

Heard on admission.

The petitioner, widow of a deceased employee, has filed this petition for issuance of direction for family pension to be paid to her. It is submitted that the petitioner's husband was appointed in Contingency Establishment in the year 1985 and thereafter he was regularized on 22.08.2008. He died on 06.06.2013 while in service. Learned counsel for the petitioner submits that in view of the order of the **Division Bench passed on 26.02.2015 in Writ Appeal No.281 of 2013 (Lakhanram Sahu and others Vs. State of Chhattisgarh and others)** and batch of writ appeals, the petitioner's husband acquired temporary status and the

services rendered after completion of five years till the date of death constituted minimum period for earning pension. Therefore, the petitioner is entitled to family pension.

2. As far as the claim of an employee to get pension by counting period of service rendered after completion of five years of service in the Contingency Establishment has already been considered by the Division Bench in the aforesaid cases. However, it needs to be examined by the respondent authorities whether on this count that the deceased employee had already earned pensionable service, the petitioner would be entitled to family pension under the Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979. Keeping in view the aforesaid judicial pronouncement, respondent No.2 may consider and take decision in the matter and if it is found that on account of deceased employee having earned pensionable services, the petitioner is entitled to get family pension, all the benefits flowing therefrom shall be extended to her without further loss of time and at the earliest. The decision should be taken within an outer limit of 90 days from the date of receipt of copy of this order.

3. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge