

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.5178 of 2016**

Manharan Lal Yadav S/o. Nandu Yadav, Aged About 63 Years Retired Employee
Of Hydrometeorological Science Department, R/o Village Lamti, Tehsil Sargaon,
Revenue And Civil District Mungeli (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through : Secretary, Water Resources Department,
Mahanadi Bhawan, New Raipur, Police Station Rakhi, Revenue And Civil District
Raipur (Chhattisgarh)
2. Chief Engineer, Water Resources Department, Raipur, Revenue And Civil District
Raipur (Chhattisgarh)
3. Deputy Director, Hydrometeorological Science Department, Division No. 4,
Raipur, Revenue And Civil District Raipur (Chhattisgarh)
4. Sub Divisional Officer, Hydrometeorological Science Department, Bilaspur,
Revenue And Civil District Bilaspur (Chhattisgarh)
5. Joint Director, Treasury, Accounts And Pension, Bilaspur, Revenue And Civil
District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Rupesh Shrivastava, Advocate
For Respondent-State	:	Mr. Dilmanrati Minj, Dy. Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****26/09/2016**

1. Heard.
2. Learned counsel for the petitioner submits that in view of the order of the
Division Bench passed in the case of Lakhanram Sahu (supra) 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