

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3934 of 2017

Pravin Tiwari S/o Late Ram Nihal Tiwari, Aged About 63 Years R/o
Plot No. 86, Arya Nagar, Durg, District Durg, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Directorate, Department Of Urban Administration And Development, Through Its Director, Department Of Urban Administration And Development, Indiravati Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
3. Municipal Corporation, Bhilai, Through Commissioner, Municipal Corporation Bhilai, District Durg, Chhattisgarh.

---- Respondent

For Petitioner : Mr. Sourabh Sharma, Advocate.

For State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

22/11/2017

1. The petitioner is a retired employee. It is submitted that the petitioner was continuously worked as work charged contingency employee since the year 1997 and was regularized in the establishment of 03-20-2009. He was retired on 30-04-2017. In view of the judgement of the case of Lakhanram Sahu and others Vs. State of Chhattisgarh and others in Writ Appeal No. 281 of 2013 and batch of cases vide order dated 26-02-2015 disposed off by division bench, the period of temporary service rendered by the petitioner is required to be taken into account for pensionable service.

2. Learned counsel for the State does not dispute the aforesaid legal

position however he submits that this matter would require verification of facts. It is submitted that the State has preferred SLP in the Supreme Court which is pending.

Upon being asked no martial was placed to show that he order passed by the Divisor 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