

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5434 of 2017

1. Shambhu Prasad Tiwari S/o Mankamna Prasad, Aged About 64 Years
Retired Sthal Sahayak, Water Resources Department, Sub Division-2,
Bemetara, District Bemetara, Chhattisgarh
2. Mohan Lal Rajput S/o Narsingh Rajput, Aged About 64 Years Retired Sthal
Sahayak, Water Resources Department, Sub Division Saja, Bemetara,
District Bemetara, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Water Resources Department,
Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Chief Engineer, Water Resources Department, Mahanadi Bhawan, Naya
Raipur, District Raipur, Chhattisgarh
3. Executive Engineer, Public Works Department, Bemetara, District Bemetara,
Chhattisgarh
4. Joint Director, Department Of Treasure, Accounts And Pension, Durg
Division, District Durg, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Sanjay Patel, Advocate
For State	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13.10.2017

The petitioners have filed this petition seeking issuance of direction for consideration of their application for grant of pension.

2. Learned counsel for the petitioners 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 petitioners 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 petitioners had completed six years of service after their regular appointment, they are 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 petitioners are entitled to the benefit, would depend upon whether the petitioners are 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 petitioners' case in the light of order dated 26/02/2015 passed in W.A.No.281/2013 and batch of petitions and upon verification of facts, if it is found that the petitioners are similarly situated, same benefit shall be extended to the petitioners in accordance with law.

5. Considering that the petitioners have 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