

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6042 of 2017**

Smt. Kavita Bai W/o Vishal Ram (Bishal), Aged About 55 Years R/o Village
Khairwahi, Post Narratola, Tahsil Doundi, District Balod Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Public Works Department,
Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Executive Engineer, Public Works Department (Bha/Sa), Division Balod,
District Balod Chhattisgarh.
3. Sub Divisional Officer, Public Works Department (Bha/Sa), Sub - Division
No. 2, Balod, District Balod Chhattisgarh.
4. Joint Director, Treasury, Pension And Accounts Department, Durg, District
Durg Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Rajkumar Pali, Advocate
For State	:	Mr. Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14.11.2017

Heard.

1. Learned counsel for the petitioner submits that the husband of the petitioner having remained posted and working as Work Charged/Contingency Establishment Employee, her husband is entitled to the benefit of services rendered by him upon acquisition of temporary status, till the date of his retirement, for the purposes of pension admissible under the Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979, in view of the authoritative pronouncement 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.

2. Learned counsel for the State would not quarrel with the legal position. He, however, submits that the verification would be necessary to find out the petitioner's husband status, period of services rendered by him, date of acquisition of temporary status etc., therefore, the same benefit could be extended.

3. Having considered the submission of learned counsel for the parties, I am inclined to dispose off the petition, at this stage, with direction to examine petitioner's case in the light of aforesaid decision in the case of Lakhanram Sahu (supra) and upon verification of facts, if it is found that the petitioner's husband is entitled to similar relief by taking into consideration the period of services rendered by him as temporary employee till the date he attained superannuation, with the intervention of his regular appointment, the benefit shall be extended to the petitioner as early as considering that the petitioner's husband has already retired and died, the exercise should be completed within a maximum period of 90 days from the date of receipt of copy of this order.

Sd/-

(Manindra Mohan Shrivastava)
Judge