

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6495 of 2017

Smt. Devki Bai Wife Of Late Rupau Ram Sahu, Aged About 55 Years R/o Village Sivni, Post Jhalmala, Tahsil And 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, (Bh/ Sa), Division Balod, District Balod, Chhattisgarh.
3. Sub Divisional Officer, Public Work Department, (B / R) Sub Division No. 02, Balod, District Balod, Chhattisgarh.
4. Joint Director, Pension, Treasury And Audit Department, Durg, District Durg, Chhattisgarh.

---- Respondents

Shri K.K.Dewangan, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/11/2017

Heard.

Learned counsel for the petitioner would submit that the petitioner's husband who was working in Work Charged Contingency establishment became regular in the year 2008 and then died in the year 2009 while in service. According to learned counsel for the petitioner, the services rendered by petitioner's husband in the capacity as temporary employee are required to be reckoned for the purposes of calculating family pension to the petitioner who is the widow of the deceased employee. For this purpose, reliance has been placed on the decision of the Division Bench of this Court in W.A.No.281 of 2013 (*Lakhanram Sahu and others Vs. State of Chhattisgarh and others*).

2. On the other hand, learned State counsel submits that there is no quarrel

with the settled legal position, however, the matter would require verification of facts as to whether the petitioner is entitled to family pension in the facts and circumstances of the present case.

3. Having considered the submission of learned counsel for the parties and taking into consideration the legal issue decided by the Division Bench of this Court in the case of **Lakhanram Sahu** (supra), the State is directed to examine the records of the deceased employee and then take a decision with regard to family pension to the petitioner if it is found that by counting the period of service as directed in **Lakhanram Sahu** (supra), the deceased employee had acquired a pensionable service.

4. The petition is accordingly finally disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge