

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2765 of 2017

Smt. Sukhvantin Bai Nishad W/o Ramprasad Nishad, Aged About 62 Years R/o Village Jivtara, Post Dhansuli, P. S., Tahsil & District Mahasamund (Chhattisgarh).

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mantralaya, New Raipur, District Raipur (Chhattisgarh).
2. The Executive Engineer, Water Resources Department, Mahasamund, District Mahasamund (Chhattisgarh).
3. The Sub Divisional Officer, Water Resources Division, Sub Division No. 1 Mahasamund, District Mahasamund (Chhattisgarh).
4. The District Treasury Officer, District Mahasamund (Chhattisgarh).

---- **Respondents**

For Petitioner	: Mr. Goutam Khetrapal, Advocate
For State	: Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

30/06/2017

Heard.

1. The petitioner in the present writ petition has sought for direction to respondents for considering the case for grant of pension taking into account the service that she had rendered prior to regularization under the Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979 (hereinafter referred to as 'the Pension Rules, 1979').
2. Learned counsel for the petitioner relied upon the judgment of the Division Bench of this Court in Writ Appeal No.1073 of 2012 and other analogous writ appeals decided on 26.02.2015. It is further contended

that the said judgment of the Division Bench has also been affirmed by the Supreme Court whereby SLP of the State Government has been dismissed.

3. Learned counsel for the petitioner submits that the petitioner, herein, rendered more than 25 years of service with the respondents and at the fag end of the petitioner's service, she was regularized. The petitioner in the present writ petition has been regularized in service and rendered her service as a regular employee as is required under the Pension Rules,1979. The petitioner, in this petition, before the Court claims that her case being similarly situated as per the order dated 26.02.2015 passed by this Court in Writ Appeal No.1073 of 2012, therefore, the same benefit may also be extended by the respondent-State to her in the same manner as has been directed by this Court.
4. The State counsel does not oppose the factual matrix of the case and submits that the matter is similar to the judgment passed by the Division Bench of this Court and the matter may be disposed off on similar terms.
5. Accordingly, the present writ petition stands disposed off with the direction to the respondents to consider the case of the petitioner in the light of the judgment of the Division Bench of this Court passed in Writ Appeal No.1073 of 2012 dated 26.02.2015. In the event, if the factual matrix of the petitioner's case being identical to the appellants in the writ appeal, the petitioner also be extended the similar relief at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.

Sd/-

(P.Sam Koshy)

J U D G E