

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5965 of 2017

Smt. Sultana Bai Dhankar W/o Late Sitaram Dhankar, Aged About 64 Years R/o Village Mujgahan, Post Sorar, Tahsil And 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. P. P. Sahu with Mr. A. K. Sahu, Advocates.

For State : Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

10/11/2017

Heard.

1. The petitioner, in this petition, is claiming that after her late husband regularization in services, the period of services rendered by her husband as daily wage employee should be counted for the purposes of pension under the Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979 (for short "the Rules of 1979").

2. Learned counsel for the petitioner submits that the issue regarding entitlement of contingency employee in the matter of counting services prior to regularization for the purposes of pension under the Rules of 1979 has been set at rest by the Division Bench's Judgment of this Court vide order dated 26.02.2015 in batch of cases Writ Appeal No.281 of 2013 and other cases. The petitioner, in this petition, before the Court claim that her case is similarly situated, therefore, the same benefit should also be extended by the respondent-State to her in the same manner as has been directed by this Court.

3. Learned State counsel submits that though the case of the petitioner is also similar to the petitioners in the above referred cases, he informs that the State has filed SLP before the Supreme Court and the matter is still pending before the Supreme Court.

4. Once it is not disputed that the case of the petitioner is similar to those petitioners, whose cases has already been decided by the Division Bench, the petitioner is also entitled to the same benefit as given to the similarly situated person.

5. Learned State counsel could not bring to the notice of this Court that the order passed by the Division Bench is stayed or set aside.

6. In view of the above, the petition is also allowed on the same terms as in 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

Sd/-

(Manindra Mohan Shrivastava)

Judge