

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3254 of 2017

1. Smt. Kamli Bai W/o Shri Goverdhan Prasad, Aged About 63 Years R/o Village Tarri, Post Patewa, Tahsil Abhanpur, District Raipur, Chhattisgarh
2. Shivprasad S/o Kapurchand, Aged About 62 Years R/o Village Piparchhedi, Post Beltukri, Tahsil Rajim, District Gariyaband, Chhattisgarh
3. Anjor S/o Bailu Dhruw, Aged About 62 Years R/o Village Lohajhar, Tahsil Chhura, District Gariyaband, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Mantralaya, New Raipur, District Raipur, Chhattisgarh
2. The Executive Engineer, Public Works Department, Division No.3, Raipur, District Raipur, Chhattisgarh
3. The Sub Divisional Officer, Public Works Department, Sub Division Abhanpur, District Raipur, Chhattisgarh
4. The Sub Divisional Officer Water Resources Division, Sub Division Rajim, District Gariyaband, Chhattisgarh
5. The District Treasury And Pension Department, District Durg, Chhattisgarh
6. The District Treasury And Pension Department, District Gariyaband, Chhattisgarh

---- Respondents

Shri Avinash Chand Sahu, counsel for the petitioner/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/07/2017

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 petitioner 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 petitioner's case in the light of order dated 26/02/2011 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