

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3585 of 2017

Bhupendra Kumar Tiwari S/o Late Nand Kishore Tiwari, Aged About 63 years, resident of C/o R.P. Sharma, 39 Recreation Road, Choubey Colony, Raipur, District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. The Superintending Engineer, Water Resources Department, Raipur, Chhattisgarh.
3. The Executive Engineer Water Resources Department, Raipur Division, Raipur, District Raipur, Chhattisgarh.
4. The Sub- Divisional Officer, Water Resources Division, Raipur, Chhattisgarh.
5. The Joint Director, Treasury, Accounts And Pension, Raipur, District - Raipur Chhattisgarh.

---- Respondents

Shri Goutam Khetrapal, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

10/08/2017

The petitioner has filed this petition seeking issuance of direction for consideration of his application for grant of pension.

2. Learned counsel for the petitioner 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 petitioner had completed six years of service after his regular appointment, he is 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 petitioner is 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 petitioner is similarly situated, same benefit shall be extended to the petitioner in accordance with law.

5. Considering that the petitioner has 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