NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 440 of 2017

Smt. Manorama Tayde W/o late Shri Anil Tayade, Aged about 43 years, R/o I-9, Nagar Nigam Colony, Kosabadi, Korba, District- Korba, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through: Secretary, Department Of Urban Administration And Development, Mahanadi Bhavan, Capital Complex, New Raipur, P.S. Rakhi, District- Raipur, Chhattisgarh.
2. Director, Department of Urban Administration and Development, Indravati Bhavan, Capital Complex, New Raipur, P.S. Rakhi, District- Raipur, Chhattisgarh.
3. Municipal Corporation Korba, Through- Commissioner, Municipal Corporation, Korba, District- Korba, Chhattisgarh.

---- Respondents

For Petitioner	Mr. Sudeep Agrawal, Advocate
For State	Mr. OP Sahu, Govt. Advocate.
For Municipal Corporation	Mr. H.B. Agrawal, Sr. Advocate with Ms. Preeti Yadav, Advocate.

SB: Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

27.01.2017

1. The Petitioner in the present Writ Petition has sought for a limited relief of a direction to the Respondents to consider the service rendered by the Husband of the Petitioner under the Special Area Development Authority (Sada), Korba for granting pensionary benefits.
2. Learned Counsel for the Petitioner submits that the lis involved in the present case has already been adjudicated upon by this Court in Writ Petitions decided by a common order dated 08.02.2016 in Writ Petition (S) No. 4459/2014 and analogous Writ Petitions.

3. He further prays that the case of the Petitioner is also identically placed and therefore an order in parity may be passed in favor of the present Petitioner also.
4. Learned Counsel for the Petitioner submits that the order passed by the High Court has also been in due course of time acted and implemented upon.
5. Learned Counsel for the Petitioner further refers to the decision of the Division Bench of this Court dated 22.06.2016 in a Writ Appeal No. 185/2016 which was the Writ Appeal preferred by the Municipal Corporation challenging the order of the Writ Court passed by the Single Bench on 08.02.2016, wherein the Division Bench taking note of a memo issued by the State Government dated 16.05.2016 in compliance with the order dated 08.02.2016 passed by the Single Judge, has dismissed the Petition.
6. These contentions put forth by the Counsel for the Petitioner are admitted by the Counsel appearing for the Municipal Corporation and also the same is also not disputed by the Counsel appearing for the State Government and both the Counsel for the Respondents accept that the present Petition can also be disposed off in terms of order passed by this Court in WPS No.4459/2014 and analogous Writ Petitions decided on 08.02.2016.
7. In the light of the submissions made by the Counsel for the Petitioner as well as the Respondents, present Writ Petition is also disposed off in terms of order dated 08.02.2016 passed by this Court in WPS No. 4459/2014 and analogous Writ Petitions holding the service rendered by

the Petitioner while working with the SADA, Korba which was subsequently merged with Respondent No.3 to be considered for the purpose of calculating length of service as well as pensionary benefits.

8. The present Petition is accordingly allowed and disposed off.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE

inder