

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4217 of 2017

Smt. Guddo Bai Wd/o Ramu Raksel, R/o Behind Video World, Mohdapara,
Raipur, District Raipur, Chhattisgarh.

---- Petitioner

Versus

1. Commissioner Municipal Corporation Raipur, District Raipur, Chhattisgarh.
2. Zone Commissioner, Zone No. 3, Municipal Corporation Raipur, District Raipur, Chhattisgarh.
3. Assistant Commissioner, Municipal Corporation Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Uttam Pandey, Advocate
For Respondents	:	Shri H.B. Agrawal, Senior Advocate with Smt. Prabha Sharma, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/11/2017

Heard.

1. Learned counsel for the petitioner would submit that the issue raised in this petition is no longer res integra and settled in view of order dated 26.2.2015 passed by the Division Bench of this Court in Writ Appeal No.281 of 2013 (*Lakhanram Sahu and others Vs. State of Chhattisgarh and others*) and other connected writ appeals.
2. Learned counsel for the respondents, referring to the stand taken in their return, would submit that the petitioner may not be entitled to relief as the petitioner has not completed minimum period of service to earn pension.

3. The stand taken by the respondents in the present petition must pale into insignificance in view of authoritative pronouncement of this Court in the case of *Lakhanram Sahu* (supra) . In that case, it has been very categorically held that the period of service rendered in the capacity as a temporary employee even prior to regularization is liable to be counted for the purpose of pension under the Rules of 1979.
4. In view of the above consideration, present writ petition is also allowed in terms of order passed in the case of *Lakhanram Sahu* (supra) and other connected appeals. Let the current pension of the petitioner be calculated and payment commenced preferably within a period of four weeks from the date of receipt and/or presentation of a copy of this order and the arrears to be paid within a period of 12 months from the date current pension starts.
5. A copy of the order dated 26.2.2015 passed in WA No.281 of 2013 (Lakhanram Sahu and others Vs. State of Chhattisgarh and others) and other connected writ appeals, be made a part of this record.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge