NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4069 of 2017

Nirmla Yadav W/o Late Shri Balram Yadav, Aged About 60 Years R/o Thethwar Mohalla, Camp 2, Ward No. 22, Bhilai, District Durg Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)

2. Directorate, Department Of Urban Administration And Development, Through Its Director, Department Of Urban Administration And Development, Indravati Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)

3. Municipal Corporation Bhilai, Through The Commissioner, Municipal Corporation, Bhilai, District. Durg (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Sourabh Sharma, Advocate.
For State	:	Mr. Manish Nigam, PL
For Corporation	:	Mr. Sudeep Agrawal, under instruction from Mr. Shivraj singh

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Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

23/11/2017

Heard.

1. Learned counsel for the petitioner submits that the husband of the petitioner who was contingency employee and later on became regular on 30-09-2008. Thereafter, he retired in the year 2014 and then died. It is submitted that in view of the decision of the Division Bench in the case of **Lakhanram Sahu ans others Vs. State of Chhattisgarh and others** in Writ Appeal No. 281 of 2013 and batch of cases vide order dated 26-02-2015. the services rendered by the deceased employee as temporary

employee to the date of regularization also entitled to be counted for the purpose of pension under pension rules of 1979.

2. Learned counsel for the respondent would submit that though there is quarrel in certain legal position, for entitlement to pension appropriate verification of facts would be necessary and on the basis of the same petitioners claim for pension shall be examined and orders would be passed.

3. On the submissions made, the petition is disposed off with the direction to examine the petitioner's entitlement for pension in accordance with the decision in the case of **Lakhanram Sahu ans others Vs. State of Chhattisgarh and others** and extend the benefit to petitioner. The exercise should be completed within a period of 3 months.

Sd/-

(Manindra Mohan Shrivastava)

Judge

Rohit