

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5116 of 2017

Smt. Kunwaria Bai Wd/o Shri Nandu Ram Yadav Aged About 63 Years R/o
Village Khaira Post Nandghagt Tehsil Bemetara District Bemetara
Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Works, Department,
Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.
2. Chief Engineer Public Works Department National Highway Sub Area
(Rastriya Rajmarg Parikshetra) Mahandi Bhawan Naya Raipur District
Raipur Chhattisgarh.
3. Superintendent Engineer, Public Works Department National Highway
Division (Rastriya Rajmarg Mandal) Mahandi Bhawan Naya Raipur District
Chhattisgarh.
4. Executive Engineer, Public Works Department National Highway Division
No. 2 (Rastriya Rajmarg Sambhag - 2) Mahandi Bhawan Naya Raipur
District Raipur Chhattisgarh.
5. Sub Divisional Officer, Public Works Department National Highway Sub
Division No. 2 (Rastriya Rajmarg Up Sambhag 2) Mahandi Bhawan Naya
Raipur District Raipur Chhattisgarh.
6. Joint Director , Department Of Treasure Accounts And Pension , Pension
Bada Raipur District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Sanjay Patel, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27.09.2017

The petitioner/ widow of deceased employee has filed this petition seeking
issuance of direction for preparation of pension case of her late husband, who
retired as Work Charged and Contingency Paid Employee.

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 husband of 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 husband of 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 husband of the petitioner are entitled to the benefit, would depend upon whether the husband of 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 26/02/2015 passed in W.A.No.281/2013 and batch of petitions and upon verification of facts, if it is found that the husband of the petitioner is similarly situated, same benefit shall be extended to the petitioner in accordance with law.

5. Considering that the husband of 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