

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2124 of 2018**

Laxman Prasad Choubey S/o Shri Gautiya Prasad Choubey Aged About 66 Years R/o Manchadoli, Lapur Gram Panchayat Post Manchdoli, Tehsil, Police Station Podi, Uproda, District Korba, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Water Resources Department Naya Raipur, Mantralaya Raipur, Chhattisgarh
2. Director, Treasure, Accounts And Audit Department Raipur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Lav Sharma, Advocate
For State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/03/2018**

1. Learned counsel for the petitioner submits that in view of the order of the Division Bench passed in the case of Lakhanram Sahu (supra) 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.
2. Learned State counsel submits that though there is no quarrel with the legal proposition in the judgments of this Court, whether the petitioner is 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.

3. Considering the submission, this petition is disposed of with a direction to the respondents to consider petitioner's case in the light of the 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 petitioner is similarly situated, same benefit shall be extended to the petitioner in accordance with law.
4. 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/-
(P. Sam Koshy)
Judge

Ved