

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.4332 of 2010

Smt. Madhu Tiwari, age 44 years, wife of Late Shri Dharmendra Kumar Tiwari, House No.248, Ward No.4, Thanapara, Tahsil Bagbahra, Distt. Mahasamund (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through Principal Secretary, Public Works Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Joint Secretary, Chhattisgarh Government General Administrative Department (Member Secretary, Pension Disposal Committee), D.K.S. Bhawan, Raipur (C.G.)
3. Superintending Engineer, National Highway Circle, P.W.D. Office, Raipur, Distt. Raipur (C.G.)
4. Executive Engineer, National Highway Division No.1, Raipur, Distt. Raipur (C.G.)
5. Sub Divisional Officer P.W.D., Sub Division Mahasamund, Distt. Mahasamund (C.G.)

---- Respondents

For Petitioner: None present.
 For Respondents/State: Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/01/2018

1. The petitioner is widow of Late Dharmendra Kumar Tiwari. She is claiming pension from the date of death of Late Dharmendra Kumar Tiwari, as Late Dharmendra Kumar Tiwari worked since 30-12-1986 on daily wages and was regularised on 24-7-1998. According to the petitioner, she is entitled for grant of pension after the death of Late Dharmendra Kumar Tiwari and his service tenure as daily wager employee ought to have been

included in his total service tenure.

2. The State/respondents have filed return stating inter alia that the husband of the petitioner was appointed as daily wager on the post of Time Keeper in the Public Works Department, Bagbahra Sub Division No.1, Bagbahra, Distt. Mahasamund, on 31-12-1986, he was regularised on 24-7-1998 and thereafter, he died in harness during service on 28-9-2003, as such, he completed only five years of service, therefore, he is not entitled for pension.
3. None present for the petitioner. No representation is made.
4. I have heard learned Panel Lawyer appearing on behalf of the State/respondents.
5. A Division Bench of this Court in Writ Appeal No.281/2013 (Lakhanram Sahu and others v. State of Chhattisgarh and others) and other connected matters, decided on 26-2-2015, held that in view of the State Government instructions dated 2-3-2005, temporary service of the appellants (therein) be taken into account to reckon the pensionable service and the said appellants were held entitled to pension under the Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979.
6. In view of the above, this petition stands finally disposed of with a direction that the petitioner's case be considered within a period of three months from today. The respondents shall decide the petitioner's entitlement to pension in accordance

with the judgment of this Court in Lakhanram Sahu (supra) within a period of three months, subject to verification of facts or any other order passed by the Division Bench or the Supreme Court on the issue.

7. A copy of the judgment passed by the Division Bench of this Court in Lakhanram Sahu (supra) be also sent to respondent No.1 along with a copy of this order.
8. A copy of this order be sent to the petitioner, as none has appeared on behalf of the petitioner.
9. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

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