

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**Writ Petition (S) No.2469 of 2018**

Rameshwar Netam S/o Late Tulsi Ram Gond Aged About 45 Years R/o Village And Post Budhapara , Ward No. 18 Balod, Tahsil And District Balod Chhattisgarh.

----Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Water Resources Department Mantralay, Mahanadi Bhawan Naya Raipur (CG).
2. Engineer In Chief Water Resources Department Sihava Bhawan Raipur District Raipur Chhattisgarh.
3. Chief Engineer Mahanadi Godawari Kachhar, Water Resources Department Raipur District Raipur Chhattisgarh.
4. Executive Engineer , Water Resources Department Balod District Balod Chhattisgarh.
5. Sub Divisional Officer , Sub Division No. 1 , Sambalpur District Balod Chhattisgarh.
6. Joint Director Treasury, Accounts And Pension Department Durg District Durg Chhattisgarh.

---- Respondents

For petitioner	:	Shri Amit Kumar Sahu, Advocate.
For respondent-State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21.03.2018.**

1. The petitioner prays for a direction to the respondents for providing pensionary benefit to him which was payable to his father namely late Tulsi Ram Gond, who was working as permanent Gangman with the respondents since 1991 and thereafter he retired from service w.e.f. 31.03.2014 and subsequently died on 20.06.2014.
2. The petitioner submits that his father was entitled for pension and pensionary benefit in the light of judgment of Division Bench of this High Court in Writ Appeal No.281/2013, Lakhanram Sahu and Others Vs. State of Chhattisgarh & Others.
3. The fact that father of the petitioner was a contingency paid

employee with the respondents is not in dispute. The issue raised in the present case is more peculiar i.e. the petitioner is aged around 45 years and is claiming pension which was payable to his father which perhaps may not be sustainable. The pleading of the petitioner further reflects that wife of the deceased employee also had died on 16.02.2017 i.e. to say after death of the employee the family pension would fall upon his wife. She would have been entitled for the same till 16.02.2017 i.e. till she was alive.

4. Given the factual matrix of the case, ends of justice would meet if this matter is referred to the department to process the case of the deceased employee late Tulsi Ram Gond for pensionary benefits and the same may be calculated first till the date of death of the employee i.e. on 20.06.2014 and thereafter family pension payable to his wife till 16.02.2017 that is to say that the petitioner would only be entitled for arrears of pension and family pension, if any, payable to the deceased employee and his wife i.e. mother of the petitioner till they were alive i.e. 20.06.2014 and 16.02.2017 respectively.
5. The department shall accordingly process and pass a suitable order preferably within a period of 90 days from the date certified copy of this order is made available to department. It is the responsibility of the petitioner to make available a copy of this order to the concerned authority.
6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P.Sam Koshy)
Judge