

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.7314 of 2017**

Kanwal Singh Kavar S/o Late Shri Jansay Kavar, aged about 65 years, R/o Village Purani Basti dAri, Post Jamnipali, Police Station- Darri, District-Korba (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mantralaya, Naya Raipur (C.G.)
2. Director, Treasure, Accounts and Audit Department, Raipur (C.G.)

---- Respondents

For Petitioner	:	Mr. K.P.S. Gandhi, Advocate.
For Respondents/State	:	Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/01/18**

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/-

(Sanjay K. Agrawal)

Judge