

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7418 of 2017

Smt. Savitri W/o Shri Dhannu, aged about 70 years, R/o Jaikali Chouk Bhoipara, Raipur, Tahsil and District Raipur (C.G.).

---Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of urban Administration, Mahanadi Bhawan, Mantralaya, Naya Raipur (C.G.).
2. Municipal Corporation, Raipur through the Commissioner Municipal Corporation, Raipur, District Raipur (C.G.).

---Respondents

WPS No. 5084 of 2017

Smt. Bhulin W/o Satyanarayan, aged about 66 years, R/o Jaikali Chouk Bhoipara, Raipur, Tahsil and District Raipur (C.G.).

---Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of urban Administration, Mahanadi Bhawan, Mantralaya, Naya Raipur (C.G.).
2. Municipal Corporation, Raipur through the Commissioner Municipal Corporation, Raipur, District Raipur (C.G.).

---Respondents

For petitioners	:	Shri Hemant Kesharwani, Advocate.
For respondent No.2	:	Shri H.B.Agrawal, Senior Advocate.
For State	:	Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/05/2018

1. Heard.
2. Learned counsel for the petitioners would submit that the issue raised in these two writ petitions is no longer res integra and settled in view of order dated 26.2.2015 passed by the Division Bench of this Court in Writ Appeal

No.281 of 2013 (Lakhanram Sahu and others Vs. State of Chhattisgarh and others) and other connected writ appeals.

3. Learned counsel for the respondents, referring to the stand taken in their return, would submit that the petitioners may not be entitled to relief as the petitioners have not completed minimum period of service to earn pension.

4. Learned Senior Advocate appearing for the Municipal Corporation submits that the matters can be disposed off in terms of Writ Appeal No. 281/2013.

5. The stand taken by the respondents in the present petition must pale into insignificance in view of authoritative pronouncement of this Court in the case of Lakhanram Sahu (supra) . In that case, it has been very categorically held that the period of service rendered in the capacity as a temporary employee even prior to regularization is liable to be counted for the purpose of pension under the Rules of 1979.

6. In view of the above consideration, present two writ petitions are also allowed in terms of order passed in the case of Lakhanram Sahu (supra) and other connected appeals. In the event if the case of the petitioner is identically placed as that of the petitioners in the case of Lakhanram Sahu (supra) then let the current pension of the petitioners be calculated and payment commenced preferably within a period of four weeks from the date of receipt and/or presentation of a copy of this order and the arrears to be paid within a period of 12 months from the date current pension starts.

7. A copy of the order dated 26.2.2015 passed in WA No.281 of 2013 (Lakhanram Sahu and others Vs. State of Chhattisgarh and others) and other connected writ appeals, be made a part of this record.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit