

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6906 OF 2018**

1. Ganesh Prasad Sharma S/o Shri Radhika Prasad, Aged About 65 Years R/o Mahadevghat Amleshwar, Post Sakra, P.R.T. Colongy, Durg, District Durg Chhattisgarh.
2. Smt. Veena Mishra W/o Late Shri Basant Kumar Mishra, Aged About 65 Years R/o Mahadevghat, Shiv Vihar Colony, Prameshwari Chowk, Raipur, District Raipur Chhattisgarh.
3. Sarfatulla Khan S/o Shri Barkatulla Khan, Aged About 63 Years R/o Kohka, Tata Line, Durg, District Durg Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
2. Municipal Corporation, Bhilai, Through Commissioner, Municipal Corporation, Bhilai, District Durg Chhattisgarh.

... Respondent(s)

For Petitioners	:	Shri Sourabh Sharma, Advocate.
For Respondent-State	:	Shri SP Kale, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22.10.2018**

1. Heard.
2. Learned counsel for the petitioners submits that the petitioners who were contingency employee and later on became regular employee in the years 2009, 2008 and 1992 respectively. Thereafter, they retired in the year 2013, 2013 and 2017 respectively. It is submitted that in view of the decision of the Division Bench in the case of Lakhanram Sahu and others Vs. State of Chhattisgarh and others in Writ Appeal No. 281 of 2013 and batch of cases vide order dated 26-02-2015. The services rendered by the deceased employee as temporary employee to the date of regularization also entitled to be counted for the purpose of pension under pension rules of 1979.

3. Learned counsel for the respondent would submit that though there is quarrel in certain legal position, for entitlement to pension appropriate verification of facts would be necessary and on the basis of the same petitioners claim for pension shall be examined and orders would be passed.
4. On the submissions made, the petition is disposed off with the direction to examine the petitioner's entitlement for pension in accordance with the decision in the case of Lakhanram Sahu and others Vs. State of Chhattisgarh and others and extend the benefit to petitioner. The exercise should be completed within a period of 3 months.

Sd/-
(P. Sam Koshy
Judge