

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 7252 of 2018**

Smt. Kiran Shukla Wd/o Late Shri Vivek Shukla, Aged About 58 Years, Assistant Grade-III, Municipal Corporation, Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Directorate, Department Of Urban Administration And Development, Through Its Director, Department Of Urban Administration And Development, Indiravati Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
3. Municipal Corporation Rajnandgaon, Through Commissioner, Municipal Corporation Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Somkant Verma, Advocate
For Respondents	:	Shri D. Wankhede, G.A. and Shri T. Nande, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01/11/2018**

Heard on admission.

1. The petitioner is wife of the deceased-employee. It is submitted that the husband of the petitioner was continuously working under the work-charge contingency establishment since 1974 and was regularized in the

contingency establishment on 04.10.2008 and died on 05.12.2009. It is submitted that the petitioner is the widow of deceased employee and in view of the judgment in the case of Lakhanram Sahu & Ors. Vs. State of Chhattisgarh & Ors. vide order dated 26th February, 2015 passed by the Division Bench of this Court, the period of temporary service rendered by the husband of the petitioner is required to be taken in the account for counting pensionable service.

2. Learned counsel for the State does not dispute the legal position, however, he submits that the State has preferred SLP in the Supreme Court which is pending. Upon being asked no material was placed to show that the order passed by the Division Bench has been stayed or set aside.

3. In view of the above, the respondents are liable to consider the claim of the widow of the deceased-employee, on the similar lines as observed by the Division Bench in the case of Lakhanram Sahu (supra), subject to verification of facts and satisfaction that the deceased employee/husband of the petitioner was also similarly situated and entitled to pension, of course any decision would be subject to the outcome of the SLP pending in the Supreme Court.

4. With the aforesaid observation/direction, the petition is finally disposed off.

Sd/-
(P. Sam Koshy)
JUDGE