

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3460 of 2019

Noni Bai W/o Late Ganga Ram Aged About 63 Years R/o Village Shivni
Champa- P.S.- Champa, District- Janjgir-Champa, Chhattisgarh.

---- Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources Mahanadi Bhawan, Atalnagar Raipur, District- Raipur, Chhattisgarh.
2. The Director Trasury Account And Audit Department Raipur, District- Raipur, Chhattisgarh.
3. The Executive Engineer Minimata Bango Canal Division No.5 Kharsiya, District- Raigarh, Chhattisgarh.

---Respondents

For Petitioner	:	Shri AN Pandey, Advocate.
For State	:	Ms. Shriya Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/05/2019

1. The relief sought for by the petitioners in this petition is for an appropriate direction to the respondents to consider the claim of the petitioner for grant of pension, gratuity and other arrears payable to the petitioner on the death of the Husband and Father.
2. Brief facts of the case is that, the Husband of the petitioner was initially appointed as daily wage employee on the post of Chowkidar in the year, 1980. He was regularized in service on 04.05.1994 and served the department till his death on 13.12.2002.
3. The grievance of the petitioner is that on the death of the Husband of the petitioner No.1, the department ought to have granted benefit of pension and gratuity etc. In addition, the petitioner would also be entitled for the arrears of any dues which have not been paid. It was also the contention of the petitioner that even the period rendered by the Husband of the petitioner No.1 as daily wage employee from 1980 to 1994 should also be

counted for the purpose of determining the pension receivable by the petitioner. He further submits that the services of the deceased employee from the period 1980 to 1994 also ought to have been reckoned as qualifying service for the purpose of fixation of pension and other retiral dues.

4. The counsel for the petitioner relied upon the judgment of this court in Lakhanlal Vs. State of Chhattisgarh & Ors. in this regard. He also referred to the decision of Supreme Court in case of Net Ram Sahu Vs. State of Chhattisgarh & Ors., 2018 (5) SCC 430.
5. Given the aforesaid factual matrix of the case and also the two judgments referred to above in the preceding paragraphs, let the respondents No.1&3 take an appropriate decision in respect of the claim of the petitioner and pass a suitable order preferably within a period of 90 days from the date of receipt of copy of this order.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder