

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4804 of 2019**

Smt. Madna Bai Malakar W/o Late Shri Milan Malakar Aged About 54 Years
 R/o Madhuban, Modhipara, Raigarh, Tahsil And District Raigarh
 Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, District New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Engineer In Chief Public Works Department, Near Raj Bhawan, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The Superintendent Engineer Public Works Department, Bilaspur Division District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. The Executive Engineer Public Works Department, Raigarh Division, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
5. The Sub Divisional Officer Public Works Department, Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
6. The Joint Director Treasury, Account And Pension Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. V. K. Pandey, Advocate
For State	:	Ms. Sunita Jain, GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02/07/2019**

1. The relief sought for in the present writ petition that is for appropriate direction to the respondents to consider the case of the petitioner for grant of family pension.
2. Facts of the case is that the husband of the petitioner was working as a Gang Man under the contingency establishment of the respondent

since 01.10.1984 and he died in harness on 04.07.2008. According to the petitioner the deceased employee enjoyed the status of a permanent employee as is defined under the provisions of Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979. According to the counsel for the petitioner, deceased employee had completed more than 15 years of service in the Contingency Establishment and thus had become a permanent employee thereby he was entitled for pension and pensionary benefits. Counsel for the petitioner further referred to the document exhibit P-2 dated 28.08.2008 which shows that taking the services rendered by the petitioner w.e.f. 01.10.1984, the respondent had ordered for regularizing the services of the petitioner.

3. Unfortunately, the deceased employee died on 04.07.2008 just about one month before the order dated 28.08.2008 was passed.
4. Given the aforesaid admitted facts as is reflected from the perusal of the writ petition, this Court is of the opinion that ends of justice would meet if the writ petition stands disposed off with a direction to respondent No. 3 & 4 to process that claim of the petitioner for grant of pension in accordance with the provisions of Chhattisgarh (Work Charged and Contingency Paid Employees) Pension Rules, 1979 within a period of four months and appropriate steps also be taken ensuring that if the petitioner is entitled for pension then the petitioner be also paid arrears of pension from the date the deceased employee died on 04.07.2008 till date.
5. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge