

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6255 of 2019**

Smt. Mito Bai W/o Late Shri Chandradev Aged About 60 Years R/o Village Parsa, Post Parsa, Tahsil- Ambikapur, District- Surguja, Chhattisgarh.,
District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, (Resham Department) Rural Industries Mantralay, Mahanadi Bhawan, Atal Nagar District- New Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Director Directorate Of Rural Industries, (Resham Department) Chhattisgarh, Indrawati Bhawan, Block-1, 4th Floor, Atal Nagar District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Deputy Director (Resham), Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4. Joint Director Trasury, Account And Pension, Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Varsha Sharma, Advocate
For State	:	Mr. Ashutosh Mishra, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/08/2019**

1. The claim of the petitioner in the present writ petition is for a direction to the respondents to consider her claim for release of family pension.
2. Facts of the case is that husband of the petitioner was working under the respondents as a Contingency Paid Employee. Husband of the petitioner was appointed under respondents initially in the year 1982 and in due

course of time, he was regularized in service on 27.09.2008. However, husband of the petitioner died in harness on 28.04.2011. According to the petitioner the husband had put in around 39 years of service before his death. Therefore, he was entitled for grant of pension under Chhattisgarh Work Charge Contingency Paid Employees Pension Rules, 1979. According to the petitioner the husband had attained a status of a permanent employee having put in 15 years of service and thus became eligible for pension under Pension Rules of 1979.

3. Given the aforesaid factual matrix of the case, this Court is of the opinion that the case of the petitioner needs consideration by respondent No. 2 to 4. Let respondent No. 2 to 4 consider the case of the petitioner for grant of release of family pension in terms of Rules of 1979. Let appropriate decision be taken at the earliest preferably within a period of four months from the date of receipt of copy of this order. While deciding the same, respondents are also directed to keep in view the judgment of the Division Bench of this High Court dated 26.2.2015 passed by the Division Bench of this Court in **WA No.281 of 2013 (Lakhanram Sahu and others Vs. State of Chhattisgarh and others)** and other connected writ appeals.
4. With the aforesaid observation, writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge