

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7095 of 2019**

Gunwantin Uikey W/o Late B. R. Uikey, Aged About 61 Years, R/o
Village Mankesri, Tahsil And District - Kanker, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Scheduled Caste and Scheduled Tribe Development, Mantralaya, Atal Nagar, District - Raipur, Chhattisgarh
2. Directorate Of Treasury, Account And Pension, Block A, First Floor, Indravati Bhavan, Atal Nagar, Raipur, Chhattisgarh
3. The Collector, District Uttar Bastar Kanker, Chhattisgarh
4. Government High School Through Its Principal, Village Largaon (Markatola) Block Narharpur, District - Kanker, Chhattisgarh
5. Commissioner, Tribal Welfare Department, Naya Raipur, District - Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate
For State	:	Mr. P. Acharya, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.09.2019**

1. The relief sought by the petitioner in the present writ petition is for an appropriate direction to the respondents for grant of family pension considering her appointment to be continuous service from 17.07.2001 onwards.

2. Perusal of the record would show that Annexure P-1 dated 17.07.2001 was not an order of appointment but it was only an order of approval for grant of appointment. However, there was no order of appointment as such issued. Later on, the petitioner had to file a writ petition i.e. WP No. 6274/2005 for a direction to the respondents for grant of appointment.
3. Pending the said writ petition, the respondents issued an order of appointment dated 13.04.2007 and therefore, the writ petition was disposed of as having become infructuous. Since 13.04.2007 appears to be the first order of appointment and by which time contributory pension scheme had already been come into force, the petitioner is being granted the benefit under the said scheme. The petitioner under no circumstances would be entitled for the benefit of family pension treating the petitioner to be in continuous service since 2001 since in 2001 there was no order of appointment issued to the petitioner at all.
4. Thus, this Court does not find any strong case made out by the petitioner. The writ petition deserves to be and is accordingly dismissed.

Sd/-
P. Sam Koshy
Judge