

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.7304 OF 2019**

Mathura Prasad S/o Shri Nohar Say Aged About 64 Years R/o Village Barbaspur, Post Tuman, Tahsil Podi Uproda, District Korba Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, (Resham Department) Rural Industries, Mahanandi Bhawan, Mantralaya, Atal Nagar, Naya Raipur District New Raipur Chhattisgarh.
2. The Director Directorate of Rural Industries, (Resham Department) Chhattisgarh, Indrawati Bhawan, Block -1, 4th Floor, Atal Nagar, District Raipur Chhattisgarh.
3. Assistant Director (Resham), Kosabadi Parisar Korba, District Korba Chhattisgarh.
4. Joint Director Treasury, Account and Pension, Bilaspur District Bilaspur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Ms. Versha Sharma, Advocate.
For Respondent-State	:	Shri P. Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.09.2019

1. The limited prayer which the petitioner has made in the present writ petition is for an appropriate direction to the respondents to consider the case of the petitioner for grant of pension and pensionary benefits.
2. According to the petitioner, he had been working under the respondents since 1979 under the Contingency Establishment Rules. His services were regularized vide order dated 27.9.2008. He superannuated from services on 31.03.2017.
3. Grievance of the petitioner is that he has not been paid pensionary benefits which he is otherwise entitled for under the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (henceforth shall be referred to as "Rules of 1979"). According to the petitioner, for the purpose of determining the entitlement of pension all that is required to be seen is whether the petitioner enjoyed the status of a

permanent employee under the Rules of 1979 or not. This aspect seems to have not been considered by the respondents and for which purpose the petitioner has filed the writ petition seeking for a direction to the respondents for consideration of his case for grant of pensionary benefits.

4. The petitioner heavily relies upon the judgment of a Division Bench of this High Court delivered on 26.2.2015 in the case of Lakhanram Sahu & Others Vs. State of Chhattisgarh & Others in Writ Appeal No. 281 of 2013 and other connected appeals and petitions, for an appropriate direction.
5. Given the aforesaid factual matrix of the case and also taking note of the fact that the petitioner had been regularized in service on completion of a considerable period of time under the Contingency Establishment Rules with effect from 27.9.2008, this Court is of the opinion that the case of the petitioner does require verification of the facts and also for consideration of his claim for pensionary benefits.
6. Under the circumstances, the writ petition is disposed of with a direction to respondents no. 2 & 4 to scrutinize the claim of the petitioner in the light of the provisions of the Rules of 1979 and also to consider the service record of the petitioner to verify the actual nature of appointment and total length of service that the petitioner has put in under the Rules of 1979 to determine whether he is entitled for pension or not.
7. Let respondents no. 2 & 4 after due verification of the aforesaid facts take a decision at the earliest preferably within a period of four months from the receipt of copy of this order.
8. With the aforesaid, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge