

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 7968 of 2019

Smt Ganeshiya Bai Wd/o Late Bisouha Ram Aged About 67 Years R/o Village Rudri, Tahsil and District - Dhamtari Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through, The Secretary, Water Resource Department Mahanadi Bhawan Atal Nagar Raipur Chhattisgarh.
2. Executive Engineer Water Resource Department Division Rudri, District - Dhamtari Chhattisgarh.
3. Joint Director, Pension & Accounts Treasury Department, Raipur, Distt. Raipur Chhattisgarh.
4. District Treasury Officer Dhamtari, Distt. - Dhamtari Chhattisgarh.
5. Sub Divisional Officer Water Resource Department Sub Division No. 09, Gangrel District Dhamtari Chhattisgarh.

---Respondents

For Petitioner	:	Shri Hemant Kesharwani, Advocate.
For State	:	Ms. Abhyunnati Singh, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30.09.2019

1. The claim of the petitioner through the present writ petition is for an appropriate direction to the respondents to consider release of pensionary benefits and family pension to the petitioner taking into consideration the judgment of Division Bench of this Court in case of Lakhanram & Others Vs. State of Chhattisgarh & Ors. And other connected matters passed in Writ Appeal No.281 of 2013 and other analogous petitions.
2. The contention of the petitioner is that, the Husband of the petitioner was working as contingency paid employee under the respondents since March, 1978 onwards. He was regularized in service vide order dated 14.08.2008 and on attaining the age of superannuation he retired w.e.f. 31.12.2011. Thereafter, the employee died on 08.08.2014.

3. According to the petitioner, the employee had put in about 3-4 years of service as regular employee; he had put in around 30 years of employment as temporary employee under the departments and therefore the petitioner became entitled for pension and family pension as per the Pension Rules applicable for the contingency paid employee. According to the petitioner, the respondent authorities ought to have released the pension from the date of superannuation till the date the employee died on 08.08.2014 and thereafter the respondents should have released the family pension to the petitioner in the capacity of widow of the employee.
4. Given the aforesaid facts and circumstances of the case, let the respondents consider the claim of the petitioner in the light of the judgment passed in case of Lakhanram Sahu (Supra) and take an appropriate decision scrutinizing the claim of the petitioner and in case if the petitioner is found eligible then appropriate pensionary benefits be released inclusive of arrears, if any, to the petitioner at the earliest preferably within a period of four months from the date of receipt of copy of this order.
5. The Writ Petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge