

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 8379 of 2018

1. Jagdish Thakur S/o Alguram, Aged About 64 Years, R/o Umda, Bhilai 3, District- Durg, Chhattisgarh.
2. Jaishri Chandrakar S/o Late Raju Chandrakar, Aged About 51 Years, R/o Imlibhata, Ward No.2, Prashad Gali, Mahasamund, District- Mahasamund, Chhattisgarh.
3. Radheshyam Verma S/o Markandey, Aged About 64 Years, R/o Village And Post Aundhi, Tahsil Patan, District- Durg, Chhattisgarh.
4. Pandurang S/o Late Nthuji, Aged About 65 Years, R/o Chandra Nagar, Ward No. 10, Street 16, Kohka Bhilai, District- Durg, Chhattisgarh.
5. Madan Lal Nagpure S/o Late Gokul Nagpure, Aged About 64 Years, R/o Street No. 14-A, Qr. No. 37, Sunder Nagar, West Kohka, Bhilai, District- Durg, Chhattisgarh.

---Petitioners

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.
2. Directorate, Department Of Urban Administration And Development, Through Its Director, Department Of Urban Administration And Development, Indiravati Bhawan, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.
3. Municipal Corporation, Bhilai, Through- Commissioner, Municipal Corporation, Bhilai, District- Durg, Chhattisgarh.

---Respondents

For petitioners	:	Shri Sourabh Sharma, Advocate.
For respondents	:	Shri Anup Majumdar, Advocate.
For State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/01/2019

1. Heard.

2. Learned counsel for the petitioners submits that the petitioners who were contingency employee and later on became regular employee in the years 2008. Thereafter, they retired in the year 2016, 2010, 2017, 2016 and 2016 respectively. It is submitted that in view of the decision of the Division Bench in the case of Lakhanram Sahu and others Vs. State of Chhattisgarh and others in Writ Appeal No. 281 of 2013 and batch of cases vide order dated 26-02-2015. The services rendered by the deceased employee as temporary employee till the date of regularization is also entitled to be counted for the purpose of pension under pension rules of 1979.

3. Learned counsel for the respondent would submit that though there is quarrel in certain legal position, for entitlement to pension appropriate verification of facts would be necessary and on the basis of the same petitioners claim for pension shall be examined and orders would be passed.

4. On the submissions made, the petition is disposed off with the direction to examine the petitioner's entitlement for pension in accordance with the decision in the case of Lakhanram Sahu and others Vs. State of Chhattisgarh and others and extend the benefit to petitioner. The exercise should be completed within a period of 3 months.

Sd/-
(P. Sam Koshy)
JUDGE

Sumit