

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 8419 of 2018

1. Birendra @ Virendra Nath Tiwari S/o Late Ramjanm Tiwari, Aged About 63 Years, R/o Ch 300, Dhacha Bhawan Kurud Bhilai, District - Durg, Chhattisgarh.
2. Kanhaiya Lal Thakur S/o Late Kunwar Singh, Aged About 64 Years, Indira Nagar Supela, Bhilai, District - Durg, Chhattisgarh.
3. Dehrharam Yadav S/o Late Gendlal Yadav, Aged About 72 Years, R/o Village Matiya (Ha) Post Mahud, Tahsil - Gunderdehi, District - Balod, Chhattisgarh.
4. Anjori Lal Patel S/o Ghondul Patel, Aged About 63 Years, R/o Village Umda, Post Sardung, Tahsil Bhilai-3, District - Durg, Chhattisgarh.
5. Babulal Chandrakar S/o Late Motilal Chandrakar, Aged About 65 Years, R/o Ews 9/4 Kosanagar, Bhilai, District - Durg, Chhattisgarh.
6. Chandar Bai Sahu W/o Late Bedram Sahu, Aged About 64 Years, R/o Arjun Nagar Ward No. 19, Camp I, Supela Bhilai, District - Durg, Chhattisgarh.
7. Hiradas Banjare S/o Late Mohan Das, Aged About 61 Years, R/o Village Dongariya, Tahsil Simga, District - Baloda Bazar, 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 resp.No.3	:	Shri Anup Majumdar, Advocate.
For State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

03/01/2019

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 to 2010. Thereafter, they retired in the year 2018, 2016, 2009, 2018, 2016, 2018 and 2004 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