

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10731 of 2019**

- Ashwani Kumar Verma S/o Late Shri Madan Mohanlal Verma Aged About 81 Years R/o A-13, Central Avenue, Smriti Nagar, Bhilai, P. S. Durg, District Durg Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Principal Secretary, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur District Raipur Chhattisgarh
2. The Deputy Director (Pension) Directorate, Department Of Urban Administration And Development, Mantralaya, Indravati Bhawan, Atal Nagar, Naya Raipur District Raipur Chhattisgarh
3. The Commissioner Municipal Corporation, Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioner : Shri Vivek Kumar Agrawal, Advocate

For Respondents/State : Shri Kunal Das, Advocate

For Respondent No.3 : Shri Sudeep Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****17/12/2019**

1. Heard.
2. The grievance of the petitioner is that the petitioner was initially appointed as Lower Division Clerk (LDC) on 05.10.1955 with the Municipal Corporation, Raipur. Subsequently, he was posted on the post of UDC and worked on the said post till 18.03.1979. Subsequently, the he was sent on deputation to the SADA, Bhilai on 19.03.1979 and thereafter the services of the petitioner was absorbed on 24.09.1982 by the SADA, Bhilai. Thereafter, the petitioner was promoted on the post of Account Officer by order dated 10.01.1983 and he

attained the age of superannuation on 30.11.1997 and he got retired from the office of Municipal Council, Bhilai, District Durg. It is contended that the petitioner has completed 42 years of regular service before attaining the age of superannuation, however, the services of the petitioner has not been counted from initial date of appointment i.e. from 05.10.1955 for the pensionary benefits and other consequential benefits and it has been calculated since 19.03.1979 till 30.11.1997.

3. It is further contended that the Municipal Council, Bhilai vide its communication dated 14.02.2019 has accepted the claim of the petitioner and sent communication to the State to include service period of the petitioner for the benefit of pension and other emoluments from the date of initial appointment. It is submitted that since the petitioner being the senior citizen as of now aged about 81 years, the State may be directed to grant the benefit of pension by taking past service of the petitioner from the date of joining.
4. Perusal of the record. Perusal of record shows that the Annexure P-5 dated 14.02.2019 is on record, which is the communication made by the Municipal Council, Bhilai to the State Government, therefore, instead of going into the merits of the case at this stage, since the liability has been accepted by the Municipal Council, Bhilai, the State Government shall take a decision on the communication dated 14.02.2019 (Annexure P-5) within a period of 45 days from the date of receipt of this order.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge