

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3731 of 2020**

- Kiran Sthapak Wd/o Late Shri Sudhir Kumar Sthapak, Aged About 60 Years R/o Pwd S O-4, Infront Of Kilkari Garden, Mahasamund, District Mahasamund, Chhattisgarh.

---- **Petitioner****Versus**

1. State Of Chhattisgarh, Through - The Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Engineer-In-Chief, Public Works Department, Nirman Bhawan, Nawa Raipur, District Raipur, Chhattisgarh.
3. Superintending Engineer, Public Works Department Circle No. 2, Raipur, Chhattisgarh.
4. Executive Engineer Public Works Department (B And R) Mahasamund Division, Mahasamund, District Mahasamund, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Anand Dadariya, Advocate.
For State	:	Ms. Richa Shukla, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam BhaduriOrder22-09-2020

1. The present petition is filed by the widow of late Sudhir Kumar Sthapak, who was employed with respondent – Public Works Department. It is contended that Sudhir Kumar Sthapak, who was husband of the petitioner died on 9-6-2012 while in

service. It is stated that during his service tenure he had completed 25 years of service, therefore, he was entitled for grant of 3rd Krammonat Vetanmaan since he completed 25 years of service on 30-6-2005. It is further stated that the said pay scale was not granted to him despite several recommendations. It is stated that as per letter dated 2-6-2020 (Annexure P/14) entitlement of the husband of the petitioner was affirmed by the Executive Engineer and on earlier occasion too, the case of the husband of the petitioner was recommended for 3rd Krammonat Vetanmaan by Annexures P/2 and P/3. It is contended that for the reason the husband of the petitioner died, the benefit could not be availed and extended and, therefore, the petitioner being widow of the deceased employee is entitled for benefit of such Krammonat Vetanmaan which the deceased was entitled to. He would further submit that under these circumstances, representation dated 27-5-2020 of the petitioner (Annexure P/13) addressed to Executive Engineer/respondent No.4 which was forwarded to the Engineer-in-chief/respondent No.2 and also recommended by Executive Engineer by letter dated 2-6-2020 (Anenxure P/14), may be decided and the entire service benefits including the consequential benefits which would have been accrued otherwise to the deceased should be released in favour of the petitioner widow. It is further submitted that respondent No.2 may be directed to decide the entitlement of

the petitioner within stipulated time frame.

2. Perusal of the documents filed along with the petition would show that the husband of the petitioner joined in the service on 30-6-1980 and on completion of 12 years of service, first Krammonat Vetanmaan was granted to him on 1-7-1992 and second Krammonat Vetanmaan was granted to him after completion of 20 years of service on 1-7-2000, subsequently he completed 25 years of service on 30-6-2005. However, in the meanwhile, since the employee Sudhir Kumar Sthapak, the husband of the petitioner died on 9-6-2012, benefit of third Krmmonat Vetanmaan could not be availed.
3. Learned counsel for the petitioner would submit that the petitioner has already made an application on 27-5-2020 (Annexure P/13) to the Executive Engineer/respondent No.4 for her entitlement which has been further forwarded to the Engineer-In-Chief/respondent No.2 by communication dated 2-6-2020 (Annexure P/14).
4. Considering the fact, it appears that though the husband of the petitioner was entitled to 3rd Krammonat Vetanmaan after completion of 25 years of service, the same was not granted to the deceased for which he was entitled to during service tenure. The employee died subsequently, therefore, this petition is by widow of employee for benefit of 3rd pay scale which would have accrued to deceased. The respondent No.2 Engineer-in-chief is, therefore, directed to decide the

entitlement (Annexure P/13) of the petitioner being nominee of the deceased, pursuant to the letter dated 2-6-2020 (Annexure P/14) along with all consequential benefits which would have been otherwise accrued in favour of the deceased during his service and now in favour of widow the petitioner, within a period of 90 days from the date of receipt of a copy of this order.

Sd/-

(Goutam Bhaduri)
Judge

Raju