

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 435 of 2021

1. Narayan Lal Sahu, S/o Loknath Sahu, Aged About 68 Years R/o Village Beltukri, Tahsil Rajim, District Gariyaband Chhattisgarh.,
---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through The Secretary, Water Resources Department, Mantralaya Bhawan, New - Raipur Chhattisgarh.
2. The Executive Engineer, Water Resources Division, Gariyaband, District Gariyaband Chhattisgarh.
3. The Joint Director, Directorate Of Funds, Accounts And Pension, Raipur Division, Raipur Chhattisgarh. ---**Respondents**

For Petitioner	:	Shri Ravindra Agrawal, Advocate.
For State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10.02.2021.

1. Present is a third around of litigation by the petitioner. The first writ petition was WP(S) No. 4213/2015 which was decided on 17.11.2015.
2. The grievance of the petitioner in the said writ petition was the non counting the length of service rendered by the petitioner from the 1974 to 1989 for the purpose of pension. The said writ petition was disposed of directing the Committee to take a decision and the Committee thereafter is said to have considered and taken a decision vide order dated 13.04.2016. Subsequently, the petitioner again filed a writ petition on the same set of facts vide WP(S) No. 35/2017 and this Petition again stood disposed of on 03.01.2017,

whereby the respondents were directed to take a fresh decision in the light of the judgment of the Division Bench of this Court in the case of **Lakhanram Sahu and Ors. Vs. State of Chhattisgarh** and Ors in WA No. 281 of 2013 decided on 26.02.2015. It seems that there is no further development on the part of the respondents after the said writ petition has been disposed of.

3. That since the present writ petition now has been filed on the same set of facts, prima facie, this Court is of the opinion that as there is already an order passed by this Court on the same set of facts and for same relief as early as on 03.01.2017 in WP(S) No. 35/2017, the subsequent writ petition now for the same relief would not be sustainable.
4. However, it reflects that the department has till date not taken a decision on the directions given in the said writ petition, disposed of on 03.01.2017. The respondents are directed to consider/decide the claim of the petitioner keeping in view the judgment of the Division Bench of this Court in the case of Lakhanram Sahu (supra) as directed by this Court on 03.01.2017 at the earliest preferably within a period of two months from the date of receipt of copy of this order. Any decision of the respondents shall be subject to due verification of facts and scrutiny of the records.
5. The writ petition at this juncture stands disposed of.

Sd/-
(P. Sam Koshy)
Judge