

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 928 OF 2021**

- Amrika Bai, W/o Late Pusau Ram, aged about 70 years, R/o Village Nargoda, Police Station Seepat, District Bilaspur (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Water Resources Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur (CG)
2. Sub Divisional Officer, Minimata Bango Vidyut Yantrik, Sub Division No.1, Machadoli, District Korba (CG)
3. Executive Engineer, Vidyut Yantrik Division Raigarh, District Raigarh (CG)
4. Director Directorate, Treasury and Account and Audit Department, Raipur, District Raipur (CG)

... Respondents

For Petitioner	:	Mr. Vivek Singhal, Advocate.
For Respondents/State	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/03/2021**

1. Relief sought for by Petitioner in the present Writ Petition is for an appropriate direction to Respondents to consider her claim for grant of pension, gratuity and other arrears payable to her on the death of her husband.
2. Brief facts of the case are that the husband of Petitioner was initially appointed as daily wage employee on the post of Chowkidar in the year 1980. He was regularized in service in the year 1999 and served the Department till his death on 11.5.2009.
3. Grievance of Petitioner is that on the death of her husband, the Department ought to have granted the benefit of pension and gratuity etc. In addition, the petitioner would also be entitled for the arrears of any dues which have not been paid. It was also the contention of Petitioner that even the period rendered by her husband as daily wage employee from 1980 to 1999 should also be counted for the purpose of determining the pension receivable by Petitioner. Further contention of Petitioner is that the services of the deceased employee from the period 1980 to 1999 also ought to have been reckoned as qualifying service for the purpose of fixation of pension and other retiral dues.

4. Learned Counsel for Petitioner in this regard has relied upon the judgment of this Court passed in the case of **Lakhanlal Vs. State of Chhattisgarh & Ors.** He also has referred to the decision of the Hon'ble Supreme Court in case of **Net Ram Sahu Vs. State of Chhattisgarh & Ors.**, reported in **2018 (5) SCC 430**.
5. Given the aforesaid factual matrix of the case and also the two judgments referred above in the preceding paragraphs, let Respondents No. 1 & 3 take an appropriate decision in respect of the claim of Petitioner subject to due verification of facts and pass a suitable order, at the earliest, preferably within a period of 90 days from the date of receipt of copy of this order.
6. Writ Petition accordingly stands disposed of with the aforesaid observation.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE