

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2845 of 2021

Sahdev Lodhi S/o Late Shri Sonu Ram Lodhi Aged About 63 Years R/o
Imlibhata, Bandhwapara, Sarkanda, Bilaspur Police Station Sarkanda,
District Bilaspur Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Agriculture,
Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur
Chhattisgarh
2. Director Veterinary Services, Directorate, Indiravati Bhawan, Atal Nagar,
Nava Raipur District Raipur Chhattisgarh
3. Director Treasury Raipur District Raipur Chhattisgarh
4. Accountant General Chhattisgarh Zero Point Baloda Bazar Road, Post
Office Vidhan Sabha, Raipur District Raipur Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. S. P. Kale, Advocate.
For State	:	Mr. Rahul Jha, GA
For Res. No.4	:	Mr. Rajkumar Gupta, Advocate

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

24/06/2021

1. The grievance of the petitioner in the present writ petition is firstly non
granting of entire amount payable to the petitioner under the difference of
leave encashment. Secondly the contention of the petitioner is that of not
counting of the services rendered under the contingency establishment
under the respondents.
2. Contention of the petitioner is that the authorities concerned have given
approval for releasing the leave encashment for a period of 240 days.

However, he has only been paid an amount of around Rs. 64,000/- whereas he was entitled for an amount of roughly 2,90,000/-.

3. Similarly the contention of the petitioner is that the petitioner was initially appointed under the contingency services vide order dated 29.01.1992 and while working in the said contingency establishment the services of the petitioner was regularized with the department on 03.02.1995. Thus, he had rendered about 3 years of service under the contingency establishment. Further contention of the petitioner is that the services under the contingency establishment is a pensionable service and is governed by the Pension Rules under the contingency establishment. Therefore, the said period of 3 years cannot be excluded while counting the length of service of the petitioner for quantifying the pension on his retirement which took place on 31.10.2020.
4. Given the two submissions by the counsel for the petitioner, this Court is of the opinion that no fruitful purpose would be served in keeping the writ petition pending and admitting the same, rather ends of justice would meet if the matter can be disposed of directing the respondent no.2 to 4 to scrutinize the claim of the petitioner so far as his entitlement for the leave encashment of 240 days and also in scrutinizing whether the petitioner would be entitled for the pension including the period rendered under the contingency establishment.
5. As regards the claim of gratuity, the petitioner would be at liberty to approach the Controlling Authority under the Payment of Gratuity Act for availing the appropriate remedy so far as dispute in respect of gratuity amount is concerned.

6. Let respondent no.2 to 4 on due scrutiny of the entire records take an appropriate decision within a period of 90 days from the date of receipt of copy of this order.
7. With the above observation, the writ petition is finally disposed of.

**Sd/-
(P. Sam Koshy)
Judge**

Rohit