

(2019) 08 CHH CK 0126

Chhattisgarh High Court

Case No: Writ Petition (S) No. 6241 Of 2019

Leelambar Ram

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Aug. 20, 2019

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Varsha Sharma, Sunita Jain

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. The limited prayer which the petitioner has made in the present writ petition is for an appropriate direction to the respondents to consider the case

of the petitioner for grant of pension and pensionary benefits.

2. According to the petitioner, he had been working under the respondents since 1979 under the Contingency Establishment Rules. His services were

regularized vide order dated 27.9.2008. He superannuated from services on 30.6.2014.

3. Grievance of the petitioner is that he has not been paid pensionary benefits which he is otherwise entitled for under the Chhattisgarh (Workcharged

and Contingency Paid Employees) Pension Rules, 1979 (henceforth shall be referred to as ""Rules of 1979""). According to the petitioner, for the

purpose of determining the entitlement of pension all that is required to be seen is whether the petitioner enjoyed the status of a permanent employee

under the Rules of 1979 or not. This aspect seems to have not been considered by the respondents and for which purpose the petitioner has filed the

writ petition seeking for a direction to the respondents for consideration of his case for grant of pensionary benefits.

4. The petitioner heavily relies upon the judgment of a Division Bench of this High Court delivered on 26.2.2015 in the case of Lakhanram Sahu &

Others Vs. State of Chhattisgarh & Others in Writ Appeal No. 281 of 2013 and other connected appeals and petitions, for an appropriate direction.

5. Given the aforesaid factual matrix of the case and also taking note of the fact that the petitioner had been regularized in service on completion of a

considerable period of time under the Contingency Establishment Rules with effect from 27.9.2008, this Court is of the opinion that the case of the

petitioner does require verification of the facts and also for consideration of his claim for pensionary benefits.

6. Under the circumstances, the writ petition is disposed of with a direction to respondents no. 2 & 4 to scrutinize the claim of the petitioner in the light

of the provisions of the Rules of 1979 and also to consider the service record of the petitioner to verify the actual nature of appointment and total

length of service that the petitioner has put in under the Rules of 1979 to determine whether he is entitled for pension or not.

7. Let respondents no. 2 & 4 after due verification of the aforesaid facts take a decision at the earliest preferably within a period of four months from

the receipt of copy of this order.

8. With the aforesaid, the writ petition stands disposed of.