

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-13867-2014 (O&M)
Date of decision : 06.05.2015

Dr. Jai Dayal Dhingra

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sanjay Joshi, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

JITENDRA CHAUHAN, J.

The petitioner seeks direction to the respondents to grant his pension from the date of his retirement i.e. 31.01.2001. The case of the petitioner is that vide Advice/Sanction U.O. No.1/26/2012-2 Pension dated 25.01.2013, the Finance Department partially allowed the claim of the petitioner, inasmuch as, though the petitioner has been held entitled to higher pension, as per rules, after counting the service rendered by him in school from 19.09.1964 to 31.03.1971, but the consequential benefit of revised pension has been granted only prospectively, w.e.f. 25.01.2013.

The learned counsel for the petitioner states that the case of the petitioner is squarely covered by the ratio of law laid down by this Court in *Vijay Singh Vs. State of Haryana and others*, rendered in

CWP No.16817 of 2007, decided on 22.07.2009.

The learned State counsel is unable to controvert the assertion made by the learned counsel for the petitioner.

In Vijay Singh's case (supra), it has been held thus:-

“It is, thus, to be seen whether this service now can be excluded for the purpose of grant of pension. If the petitioner had continued to serve on an aided post in a private school, he would have been entitled to count his service rendered therein for the purpose of pension and other retiral benefits. Would that service be lost to him for the purpose of pension because he has subsequently gone on to join a Government job, which is again a pensionable one? If the result is allowed to operate in this manner, it will be unfair, inequitable and harsh. The ratio of law as laid down in the case of Harnandan Singh, Charan Singh and Chander Sain (supra) in this background would apply to the facts of the present case. Similar view has clearly been taken by the Division Bench of Rajasthan High Court in case of Jawahar Lal Sharma Supra. In fact, the Division Bench of this Court in Charan Singh's case (supra) has observed that service rendered by a teacher in

private school receiving aid is made pensionable and as such this service cannot be ignored for grant of pension. The same is the situation here. Accordingly, I am of the view that the petitioner has made out a case for counting his service rendered on aided post in a private school for the purpose of pension and retiral benefits.”

In the circumstances, the present petition is allowed. The respondents are directed to calculate the amount from the date of retirement i.e. 31.01.2001, and release the same within a period of four months from the date of receipt of a certified copy of this order.

Allowed.

06.05.2015
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(JITENDRA CHAUHAN)
JUDGE

Note : Whether to be referred to Reporter : Yes / No