IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-22996-2011
Date of decision : 05.05.2015

R. C. Mor ...Petitioner

V/S

State of Haryana and ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Harish Bhardwaj, Advocate
for the petitioner.

Mr. Sourabh Mohunta, DAG, Haryana

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JITENDRA CHAUHAN, J. (Oral)

1. This Civil Writ Petition has been filed under Article 226/227 of the Constitution of India for issuance of directions to the respondents to consider the services of petitioner from 01.09.1976 to 11.02.1981 rendered in Government Aided Private Colleges namely HWHM College Gohana respectively on regular basis as a qualifying period for the purpose of pension/gratuity/leave encashment etc.

2. In response to the order dated 04.02.2015, affidavit of Virender Singh, HCS, Deputy Secretary to government Haryana, Higher Education Department has been filed in the Court is taken on record, wherein it has been specifically reflected that the department is

ready to extend the claimed benefit to the petitioner after deposition of the share of Contributory Provident Fund, along with 10% compound interest, as Contributory Provident Fund was not paid by the college for the period from 01.09.1976 to 11.02.1981 with regards to the service of the petitioner as per rule 2(j) of Haryana Affiliated Colleges (Pension and Contributory Provident Fund) Rules, 1999.

3. The benefit of pension to an employee, under the Haryana Aided Schools (Pension and Contributory Provident Fund) Rules, 1999 and the Haryana Affiliated College (Pension and Contributory Fund) Rules, 1999 will be extended on the following conditions:-

> (1) That, this offer will be optional and applicable only to those employees who agree to refund the Management Share (before the date of taking over of the Colleges/Schools by the State Government_alongwith 10% annual compound interest). This amount can be deducted from their gratuity and they will give an undertaking to this effect that if the amount of contributory Provident Fund is more than gratuity payable to them, then the pensioners will deposit the excess amount in Govt. Treasury.
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> (2) That if a retired Govt. employee opts for this benefit he shall deposit the share of contribution made by the Management along with 10% annual compounded interest (upto the date of depositing), in lumpsum in Govt. Treasury.

4. In view of the affidavit, this petition is disposed of with a

direction to the respondents to calculate the amount and inform the petitioner regarding the same, within one month of the receipt of certified copy of this order, thereafter, the petitioner shall deposit the amount in terms of the affidavit dated 04.02.2015, within one month on the receipt of the said communication. Thereafter, on completion of this exercise the claim of the petitioner shall be released within three months.

05.05.2015 **(JITENDRA CHAUHAN)**
ashok **JUDGE**