IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.20216 of 2013
Decided on : 14.10.2015

Sant Ram

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. R.K. Arora, Advocate for
Mr. Gagandeep Singh, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Punjab.

G.S. Sandhawalia , J. (Oral)

The relief claimed in the present writ petition is for quashing of the letter dated 12.12.2012 (Annexure P-4), whereby the petitioner's representation for counting of the entire service rendered by him w.e.f. 25.07.1974 to 28.02.1993 in the Punjab State Leather Corporation, Amritsar for the purposes of pensionary benefits was declined.

The petitioner's case is that he retired on 31.10.2010, after being absorbed on 05.03.1993 in the Finance and Accounts, Internal Audit Organization (R), Amritsar and, therefore, is entitled to the service rendered earlier as a Peon in the Corporation. The rejection was on the ground that the service under the Corporation could not be treated as service under the Government of Punjab as per Rule 3.12 of the Punjab Civil Services Rules, Volume II.

Initially the order was justified by the State, but during the pendency of the writ petition, a short affidavit has been filed by the Additional Director, Treasuries and Accounts, Department of Finance, Punjab on behalf of respondent No.1 that the case of the petitioner has been re-examined. As per the advice of the Finance Department and vide order dated 21.08.2015 (Annexure R-1) approval has been granted for counting the service rendered by him in the Corporation for the purpose of pension for the period from 25.07.1974 to 28.02.1993, with the condition that he will deposit the employer's share of Provident Fund/CPF alongwith 12 % interest in the Government Treasury. The relevant part of the order reads as under:-

> *"Therefore, the service rendered by him in the Industries Department/Leather Development Corporation w.e.f. 25.07.1974 to 28.02.1993 is to be counted for pensionary benefits.*
>
> *Keeping in view of the position explained above the service of Shri Sant Ram, Peon rendered above in the Industries Department/Leather Development Corporation w.e.f. 25.07.1974 to 28.02.1993 is counted for grant of pensionary benefits with the condition that during his posting in the Punjab State Leather Development Corporation, he will deposit the employer's share of Provident Fund/CPF alongwith 12% interest through Deputy Controller (F&A) IAO (R) Amritsar in*

the Government Treasury in Govt. Head 0071-Pension & other retirement benefits."

Resultantly, it is apparent that present writ petition has been rendered infructuous.

However, counsel for the petitioner submits that a time frame be fixed and the exact amount be quantified which is to be deposited with the respondent No.2.

Accordingly, respondent No.2 is directed to intimate the petitioner the amount alongwith 12% interest which is to be deposited as the employer's share of the Provident Fund/CPF within 2 weeks from the receipt of the certified copy of this order.

The petitioner on receipt of the said intimation shall deposit the amount within a period of 4 weeks, thereafter and the respondents on the deposit of the amount shall grant the necessary benefits to the petitioner within a period of 3 months from the receipt of the amount.

With the abovesaid observations, the present writ petition is disposed of.

(G.S. SANDHAWALIA)
JUDGE

OCTOBER 14, 2015
Naveen