

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

CWP No.393 of 2011
Date of decision : 30.07.2015

Amar Singh Verma

...Petitioner

Versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Rohan Sharma, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.

Dr. Sushil Gautam, DAG, Haryana.

AMIT RAWAL, J. (Oral)

The petitioner has knocked the door of this court by invoking the jurisdiction of this court for issuance of writ in the nature of mandamus directing the respondents to decide his claim as stated in the representation dated 05.07.2010 (Annexure P-2), whereby he had sought inclusion of the period of service rendered w.e.f 21.06.1955 to 30.09.1957 which is District Board services period just preceding taking up job as JBT teacher for the purpose of earning pension.

Mr. Rohan Sharma, Advocate who has put in appearance on

behalf of Mr. Vikram Singh, Advocate for the petitioner submits that respondents have not taken action on such representation. However in the written statement they have said that petitioner has not deposited the CPF and, therefore without deposit of CPF, aforementioned period of the service could not be included for the purpose of pensionary benefits.

Dr. Sushil Gautam, DAG, Haryana submits that petitioner was engaged as JBT teacher on 21.06.1955 on temporary basis under the District Board School at Primary School and thereafter services of the petitioner were taken over by the Punjab Education Department w.e.f 01.10.1957 and before 01.10.1957, there was no Employer-Employee relationship between the respondents and the petitioner and, therefore, said period of service could not be taken into consideration. However on 22.08.1981, the petitioner had sought voluntary retirement therefore petitioner would not be entitled to claim to the aforementioned period for pension.

As per the notification dated 22.11.1991 (Annexure R-1), it was made clear that the service benefits of the previous service taken into consideration towards pension/family pension/gratuity be given subject to the condition that if employees of the bodies were the members of Contributory Provident Fund, they shall have to deposit the share of the contribution made by the bodies alongwith interest in lumpsum in Govt. Treasury.

I have heard learned counsel for the parties and appraised the paper book.

The Notification (Annexure R-1) clearly specifies the factum of eligibility/grant of benefits of previous services towards the pension/family

pension/gratuity from the date of appointment in the bodies. Benefits provided to the members of Contributory Provident Fund on the condition that they shall have to deposit the share of the contribution. There is no averments with regard to the benefits the petitioner was contributed towards CPF.

Moreover, the petitioner had voluntarily retired in the year 1981 and the instructions issued earlier on 30.04.1981 have been superseded by another in 22.11.1991, thus, the case of petitioner would not be concerned by the previous instruction, notification & the instruction dated 22.11.1991.

In view of the aforementioned facts, arguments raised in the present case is wholly fallacious. Thus, the petitioner is not entitled for the period of service rendered w.e.f 21.06.1955 to 30.09.1957 which is District Board services period and for grant of pensionary benefits.

Accordingly, the writ petition is dismissed.

30.07.2015

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**(AMIT RAWAL)
JUDGE**