

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

**CWP No.24367 of 2015
Date of decision:20.11.2015**

Kanta ... Petitioner

Versus

State of Punjab & ors. ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. RK Arora, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The petitioner seeks relief of pension and death-cum-retiral benefits for the entire service rendered by her deceased husband by counting his previous service rendered in Shaheed Bhagat Singh Municipal College, Kotkapura on pensionable post followed by his service in Shaheed Bhagat Singh Government College, Kotkapura.

The deceased husband of the petitioner was initially appointed as Peon on regular basis in the Shaheed Bhagat Singh Municipal College, Kotkapura. His services were confirmed as Peon vide order dated 30.1.1985(Annexure P-1). As per Punjab Municipal Employees Pension and GPF Rules, 1994, the services rendered in the Shaheed Bhagat Singh Municipal College, Kotkapura, became pensionable service. The said college was taken over by the Government on 12.5.1997. The services of the late husband of the petitioner were also taken over by the Government on 12.5.1997. The husband of the

petitioner died on 01.08.2010 while in service. After his death, the petitioner being widow was allowed family pension and other death-cum-retirement benefit for the service rendered by his deceased husband for the period 12.5.1997 to 01.08.2010 without counting or giving credit to his previous service rendered in Shaheed Bhagat Singh Municipal College, Kotkapura.

Learned counsel for the petitioner would place reliance upon a judgment dated 23.8.2011 passed by this Court in CWP No. 19214 of 2009 titled as **Darshan Singh Vs. State of Punjab & others**, wherein identical issue pertaining to an employee of the same very college i.e. Shaheed Bhagat Singh Municipal College, Kotkapura, had been adjudicated upon by this Court and the petition stands allowed. The counsel further submits that even L.P.A No. 637 of 2012 preferred by the State of Punjab against the judgment dated 23.8.2011 passed in CWP No. 19214 of 2009 has since been dismissed vide judgment dated 6.11.2012 (Annexure P-7).

Counsel further submits that CWP No.14103 of 2007, titled as **Dr. Harjinder Singh v. The Principal, Shaheed Bhagat Singh Municipal College, Kotkapura**, was also allowed on 3.5.2013 in the same terms as in *Darshan Singh's case (supra)* Annexure P-8). In another similar case CWP No.23213 of 2012 titled as **Baljit Singh Virk & ors. v. State of Punjab & ors.**, seven similar employees from the same college approached this Court for the same relief, which was disposed of on 26.11.2012 with directions to the respondent-authorities to consider their claim and decide their legal notice demanding justice strictly in

accordance with law by passing speaking order. The order was not complied within the time directed. In COCP NO.850 of 2013 filed in CWP No.23213 of 2012, Shri Ashok Kumar Lohgarhi, Joint Director, DPI (Colleges), Punjab made a statement that the benefits would be released to the petitioners therein within three weeks, which financial benefits have been released to the similarly situated persons in terms of decision in the case of Darshan Singh vs. State of Punjab in LPA No.637 of 2012(Annexure P-12). Thereafter, on 11.9.2015, the aforesaid officer filed an additional affidavit in COCP No.850 of 2013 wherein details of revised pension and mode of payment through cheques have been mentioned. The said COCP No.850 of 2013 was disposed of on 11.9.2015 with the observations that respondents shall ensure the payment due to the petitioner as expeditiously as possible but not later than 3 weeks.

Counsel further submits that a notice of demand for justice dated 30.9.2015 (Annexure P-13) has been served on respondent No.2 claiming the benefit of previous service in view of the college having been taken over on 12.5.1997 by the State Government with staff and liabilities.

In view of above, this Court does not feel it necessary or prudent to call upon the respondents to file reply in a matter which is no longer res integra.

Accordingly, this petition is disposed of with direction to the respondent-authorities to consider the claim of the petitioner and decide the legal notice dated 30.9.2015(Annexure P-13) strictly in accordance

with law by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. While deciding the notice of the petitioner, the respondent-authorities would keep in mind the decision rendered in CWP No.19214 of 2009 (Darshan Singh v. State of Punjab & ors.) upheld in LPA No.637 of 2012 decided on 6.11.2012 and also the decision in CWP No.23213 of 2012 (Baljit Singh Virk & ors. v. State of Punjab & ors.) which has been implemented as per statement of Shri Ashok Kumar Lohgarhi, Joint Director, DPI (Colleges), Punjab in COCP No.850 of 2013(Annexure P-12).

Petition stands disposed of accordingly.

(RAJIV NARAIN RAINA)
JUDGE

20.11.2015
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