

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

**CWP No. 4064 of 2013
Date of decision: 9.02.2015**

Krishan Kanta Gautam

.....Petitioner

versus

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr. Justice Amol Rattan Singh

Present: Mr. Amit Chaudhary, Advocate for
for the petitioner.

Mr. Sushil Gautam, DAG, Haryana.

Amol Rattan Singh, J.(Oral)

Petitioner seeks the benefit of service rendered by her in the S.D. College, Narwana, from 16.07.1973 to 28.07.1985, prior to her joining the F.C. Womens' College, Hisar, on 29.07.1985, from where she retired on 31.10.2011, both colleges being Government aided private colleges.

The benefit was being denied to her on the ground that no contribution was made towards the contributory provident fund during her period of service with the college at Narwana.

Learned counsel for the petitioner relies upon a judgment of a co-ordinate Bench of this Court in ***Vandana Batra vs. State of Haryana and another*** (CWP No. 3405 of 2012), decided on 9.08.2012, to submit that if a government employee is ready and willing to deposit the share of the management toward the contributory provident fund, with 10% annually compounded interest, in lump sum, he/she would be entitled to the benefit of service rendered, even when such contribution was not made by the management of the college at the relevant time.

Though the aforesaid case is that of an employee who joined a Government college after working in an aided college, it is not denied that the petitioners services in the F.C. Womens' College, Hisar, which is also a non-government college, are being counted for grant of pensionary benefits, because contribution was made towards the contributory provident fund during the period of service with the said college.

Learned counsel for the respondent-State, though opposed the prayer made in the writ petition, on the ground that no contribution was made by the petitioner for the period of service rendered by him in Narwana, could not deny the applicability of the ratio of the aforesaid judgment., to the present case, when queried by the Court, as, obviously, the ratio is applicable.

Consequently, this petition is allowed in the same terms as CWP No. 3405 of 2012. The petitioner shall deposit the amount that was due from the management towards the Contributory Provident Fund during her tenure in the S.D. College, Narwana, from 16.07.1973 to 28.07.1985, along with 10% interest compounded annually, after which pensionary benefits as are due to her by, counting such period of service, be released to her within a period of 3 months thereafter.

9th February, 2015
Shivani Kaushik

[AMOL RATTAN SINGH]
JUDGE