

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.3898-2014

Date of Decision:14.09.2015

DIAL CHAND

....Petitioner

VERSUS

STATE OF PUNJAB & ORS.

....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. A.P.S. Rehan, Advocate, for the petitioner.

Mr. Vaibhav Sharma, DAG, Punjab.

P.B BAJANTHRI, J. (Oral)

In this petition, the petitioner has questioned the order dated 13.07.2013, passed by respondent No. 2, by which the petitioner's previous service rendered in Punjab State Handloom and Textiles Development Corporation Limited (for short 'PUNTEX') for the period from 17.10.1980 to 13.12.1993 towards grant of retiral benefits has been rejected.

The petitioner joined PUNTEX on 17.10.1980 as an Attendant. Due to administrative reasons, PUNTEX Corporation was wind up on 26.11.1991. Consequently, a scheme was introduced called '*Golden Hand Shake*' where there was an option for absorption/alternate job into/ in other departments. On 21.02.1992, the petitioner is stated to have submitted a

representation/option seeking for an alternative job in the Government Department. His option/representation was considered and he was appointed in the Fisheries Department, Government of Punjab on 14.12.1993. Thereafter, petitioner attained the age of superannuation and retired from service on 31.12.2012.

For the purpose of counting service rendered in the PUNTEX for the period from 17.10.1980 to 13.12.1993, the petitioner submitted a legal notice to the respondents No. 1 to 3 through his counsel on 01.03.2013. On 08.07.2013, claim of the petitioner came to be rejected vide Annexure P-3.

The petitioner being aggrieved by the impugned order dated 13.07.2013, presented this petition.

Learned counsel for the petitioner admitted that there is an inordinate delay in approaching the respondents No. 1 to 3 seeking to count service rendered in PUNTEX. However, he has specifically pointed out some of the employees of the PUNTEX, whose services were absorbed in the various Departments in the State of Punjab and who were also denied the benefit of counting service towards retiral benefits. Said employees approached this Court and obtained order to deposit CPF along with 12 % interest. The said decision was accepted by the respondent Government

and extended benefit of counting service rendered in the PUNTEX to those employees. The petitioner is also similarly situated employee, therefore, his grievance be considered for the purpose of counting service rendered in the PUNTEX towards grant of retiral benefits.

On the other hand learned State counsel vehemently contended that petitioner had opportunity of depositing CPF amount in the beginning within stipulated time, however, he has not availed the same. At this distance of time counting service rendered in the PUNTEX towards grant of retiral benefits is not permissible. In so far as cited cases, it was contended that they had approached the concerned authorities and this Court timely, therefore, their grievances have been considered.

Admittedly, there is an inordinate delay in seeking option to deposit CPF along with interest in so far as petitioner is concerned. In view of similarly situated persons, grievance has been considered by this Court and the respondents have accepted decision rendered by this Court, therefore, I am of the view that petitioner is similarly situated employee, hence he may also be permitted to deposit CPF amount along with 15 % interest within a period of **three months** from today. The respondents are directed to count service rendered by the petitioner in the PUNTEX and to recalculate pensionary benefits after receipt of CPF amount

along with 15 % interest from the petitioner. Thereafter the pensionary benefits so calculated be released within a period of **eight weeks**.

The writ petition is, accordingly, disposed of.

14.09.2015

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(P.B BAJANTHRI)
JUDGE