

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7786 of 2013

Date of Decision: 16.01.2015

Pushpa Rani

....Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM:HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr. K.L. Dhingra, Advocate,
for the petitioner.

Dr. Sushil Gautam, DAG, Haryana

Amol Rattan Singh, J (Oral)

In this petition, the petitioner is seeking a writ of mandamus directing the respondents to grant her retirement benefits in terms of her earlier service, rendered on ad-hoc basis, with the respondent Department.

The facts, in brief, as stated in the petition, are as under:

The petitioner was initially appointed as a Craft Teacher on an ad hoc basis, for a period of six months, under the Block Development and Panchayat Officer, Rai, District Sonapat. She joined service on 29.06.1974 and her period of service was extended from time to time. The services of the petitioner were regularized by the then Deputy Commissioner, Sonapat, vide his order dated 03.08.1982, a copy of which has been annexed as Annexure P-2 with the petition. Thus, the service of the petitioner, w.e.f. 29.06.1974 to 03.08.1982, is stated to have been continuous and followed by regularization w.e.f. 03.08.1982, on the

same post.

In the year 1994-95, the Haryana Government, Department of Rural Development, introduced a Scheme, namely DWCRA, for the Development of Women and Children in Rural Areas and a post of Gram Sevika in each block is stated to have been created by the State Government. As the post of Gram Sevikas remained vacant for a long time due to non-availability of trained and qualified staff, a post of Additional Gram Sevika in each block was sanctioned and Craft Teachers working with the different Panchayat Samitis were offered appointment as Gram Sevikas, vide letter dated 03.04.1995, subject to certain terms and conditions as prescribed in the said letter, a copy of which has been annexed as Annexure P-3 with the petition.

The petitioner was also one of those Craft Teachers who were offered appointment as a Gram Sevika and joined the service as such and retired from the post of Gram Sevika on 30.02.2012.

The petitioner made representations to the respondents on 17.12.2012 and 07.02.2013 respectively, that her case for pension be considered by taking into account her earlier service rendered on the post of Craft Teacher, w.e.f. 29.06.1974 till her regularization on 03.08.1982 and the subsequent service rendered on the post of Gram Sevika till her retirement. However, till date, her pension case has not been considered by the respondent Department.

Learned counsel for the petitioner relies upon three judgments, one of a Division Bench of this Court passed in **LPA No.1806 of 2012**, on 07.12.2012, **State of Haryana and others Vs. Smt. Dropati Devi**, and another of a coordinate Bench, i.e. CWP No.4663 of 2011, decided on 23.08.2013, **Sudesh Kumari vs. State of Haryana and others** along with CWP No.10284 of 2011, titled as **Avinashwanti vs. State of Haryana and others**. Both these cases were decided in terms of the judgment rendered in the aforesaid LPA, which squarely covers the

case of the petitioner, as per learned counsel.

The judgment in Sudesh Kumaris' case (supra) referred to the judgment in Dropati Devi, Gram Savika vs. State of Haryana (CWP No.17695 of 2011, decided by a co-ordinate Bench on 27.03.2012), i.e. the judgment which was appealed against by the respondent-State in LPA No.1806 of 2012 (State of Haryana and others vs. Smt. Dropati Devi (supra).

The co-ordinate Bench, in Dropati Devis' case (CWP No.17695 of 2011), allowed the writ petition by referring to the judgment of a Division Bench in Om Pati vs. State of Haryana (CWP No.10209 of 2004, decided on 26.09.2006), though stating therein that the situation was slightly different in the two cases. That judgment, of the learned Single Judge in Dropati Devis' case, became final upon the appeal filed by the State of Haryana having been dismissed in LPA No.1806 of 2012, by also referring to Om Patis' case (supra), even though that case is not identical either to the present one or the one in case of Dropati Devi.

However, I do not see why the principle would still not apply, on which Om Patis' and Dropati Devis' cases were decided, in view of the fact that the petitioner was undoubtedly appointed as a Craft-teacher and regularised on that post, in the respondent department itself, and though later appointed as a Gram Sevika with undoubtedly a condition of her service being that she would not claim the benefit of her previous service as a Craft-teacher, however, that issue already having been subject matter before this Court in both the aforesaid cases, and those judgments admittedly having become final, wherein almost identically placed petitioners were granted the benefit of service rendered as Craft-teachers, even after their appointments as Gram Sevikas on ad-hoc basis, I do not see how the same relief can be denied to the petitioner.

Upon query to the learned State counsel, as to whether there is any stay operating in the Supreme Court in any SLP filed by the State against the aforesaid judgment, he has turned to the official present in Court to (ostensibly) assist him, who has no knowledge of the matter.

Be that as it may, since there is obviously nothing to the contrary pointed out by the learned State counsel with regard to the above said judgment, the present petition is allowed in the same terms as the aforesaid judgments, i.e. Dropati Devis' and Sudesh Kumari's cases, supra.

The respondents would grant consequential benefits to the petitioner, as were given to the petitioners in those cases (one of whom was a respondent in the LPA), within a period of 2 months from the date of receipt of a certified copy of this order.

January 16, 2015
vcgarg/dinesh

(Amol Rattan Singh)
Judge