

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

**CWP No.6883 of 2014
Decided on : 23.12.2015**

Saroj Bala

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.R.K.Arora, Advocate, for the petitioner.

Mr.Pankaj Mulwani, DAG, Punjab.
Mr.Avinit Avasthi, AAG, Punjab.

G.S. Sandhawalia , J. (Oral)

The petitioner seeks quashing of the order dated 16.05.2013 (Annexure P24) whereby her claim for counting of her previous services rendered in Punjab State Hosiery & Knitwear Development Corporation, which was owned and controlled by the State Government, towards her pension and other retiral benefits, was rejected.

The petitioner's case is that she had rendered services from 04.05.1990 to 16.09.1996, on the post of Clerk, with the Corporation. During the service, for a period from 15.12.1992 to 19.01.1994, she remained out of service and no payment of salary was made. However, she was allowed to rejoin on 19.01.1994. Thereafter, on being declared surplus, she was absorbed as Clerk with respondent No.2 and joined on 18.09.1996. She is continuing in service since then and is due to retire on 29.02.2016. She,

accordingly, sought the relief of counting the period with the Corporation, for the purposes of pensionary benefits.

Vide the impugned order, judgment in LPA-44-2006 titled *State of Punjab & others Vs. Subhash Chander Chadha & another*, decided on 24.03.2009, has been distinguished and accordingly, the writ petition was initially contested.

Now, reply dated 03.12.2015 has been filed wherein it has been mentioned that vide order dated 30.07.2015 (Annexure R1), the benefits of part service of the petitioner shall be counted towards pension. Said order reads as under:

“Smt. Saroj Bala joined services in this Department on 18.09.1996 as a clerk. She had filed a CWP 6883 of 2014 in the Hon'ble Punjab and Haryana High Court to count for counting the services rendered by her in Punjab State Hosiery and Knitwear Corporation towards Pension and other retiral benefits. In view of interim orders passed by the Hon'ble Punjab & Haryana High Court on 12.02.2015. The case was sent to the Finance Department (Finance Pension Policy and coronation Branch) for taking a decision & Finance department vide their letter No. 4/107/2014-1FPPC/5461156/1 dated 23.07.2015 given the approval as under:

“As per the orders passed by the Hon'ble High Court on 12.02.2015 in the said writ petition, Finance Department give its consent, in accordance with the decision of the Hon'ble High Court passed in CWP No.9251 of 2002-Subhash Chander Chadha on 15.09.2015, to

count the services of the petitioner on a condition to deposit the amount of CPF along with 12% interest in the State Treasury.”

On the basis of entries made in the services book, Smt. Saroj Bala joined the Punjab State Hosiery and Knitwear Corporation on 04.05.1990 as a Clerk and her services were terminated by the corporation from 15.12.1992 to 19.01.1994 and again she joined the corporation on 20.01.1994. She further joined this Department on 18.09.1996 as a clerk after relieving from the corporation on 16.09.1996.

Keeping in view the interim orders passed by Hon'ble Punjab and Haryana High Court on 12.02.2015 and approval given by the Finance Department (FPPC) vide their letter dated 23.07.2015, the services rendered by Smt. Saroj Bala in Punjab State Hosiery and Knitwear Corporation from 04.05.1990 to 14.12.1992 and from 20.01.1994 to 16.09.1996 is hereby counted towards pension and other retiral benefits subject to the condition that she will deposit the amount of CPF alongwith @ 12% in the state Treasury.”

Accordingly, keeping in view the decision, the present writ petition is disposed of, with a direction that respondent No.2 will intimate the petitioner the amount along with 12% per annum interest, which is to be deposited as the employee's share of the Provident Fund/CPF, within 2 weeks from the receipt of a certified copy of this order. The petitioner, on receipt of the said intimation, shall deposit the amount within a period of 4 weeks, thereafter, and the respondents, on the deposit of the amount, shall grant the

necessary benefits to the petitioner, within a period of 3 months,
from the receipt of the amount.

With the above said observations, the present writ
petition is disposed of.

DECEMBER 23, 2015
sailesh

(G.S. SANDHAWALIA)
JUDGE