

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

LPA No. 714 of 2015 (O&M)

DATE OF DECISION : 08.05.2015

The State of Punjab and others

.... APPELLANTS

Versus

Harinder Singh

.... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. K.K. Gupta, Addl. A.G., Punjab,
for the appellants.

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SATISH KUMAR MITTAL, J. (Oral)

The State of Punjab and others have filed the instant intra-court appeal under Clause X of the Letters Patent against the order dated 20.02.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 26609 of 2013) filed by respondent Harinder Singh has been allowed and the order dated 17.10.2013 (Annexure P-4) passed by appellant No.2 denying the pensionary benefits to the respondent has been set aside and a direction has been issued to the appellants to fix the pension of the respondent in terms of his last pay drawn (LPC).

Though there is delay of 31 days in filing the instant appeal and the appellants have filed an application (CM No. 1489-LPA of 2015) for condonation of delay, yet we have heard learned counsel for the appellants

on merits and have gone through the impugned order passed by the learned Single Judge.

While passing the impugned order, the learned Single Judge has noticed the fact that the respondent had rendered 20 years of service before his retirement on attaining the age of superannuation, and during those 20 years, his services were not regularised only on the ground that no sanctioned post was available, against which his claim for regularisation could have been considered. The learned Single Judge, in this regard, has relied upon a decision of this court rendered in CWP No. 4867 of 2000, titled as Kewal Singh versus State of Punjab, decided on 05.09.2002, wherein on similar facts, where the employee had worked for more than 15 years and his services were not regularised because of non-availability of the sanctioned post and after his retirement, he was denied pensionary benefits, this court set aside the action of the department and directed that after considering the case of the employee for regularisation prior to the date of his retirement, his claim for pension shall be re-examined. The case of the respondent here in this case is squarely covered by the said decision. It is not the case of the appellants that the instant case is having any different feature.

In view of the aforesaid decision in Kewal Singh's case, which has also been implemented qua another employee, we do not find any ground to interfere with the impugned order passed by the learned Single

Judge, which in our opinion is reasonable and fair, keeping in view the fact that for 20 years, a poor employee has worked with the appellants.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

May 08, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE