

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

RSA No.4394 of 2015 (O&M)

Date of decision: 28.09.2015

Municipal Corporation, Amritsar through its Commissioner

....Appellant

Versus

Hira Lal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Sanjeev Soni, Advocate
for the appellant.

KULDIP SINGH J. (Oral)

The appellant has challenged the judgment and decree dated 21.04.2015, passed by learned Additional District Judge, Amritsar, affirming the judgment and decree dated 04.03.2014, passed by learned Civil Judge (Jr. Division), Amritsar, vide which the suit of the plaintiff was decreed and it was held that plaintiff was entitled to pension, gratuity, provident fund and other benefits of service w.e.f. 12.04.1979. The mandatory injunction was also attracted to release the said amount.

Suffice it to say that plaintiff was appointed as *Mali-cum-Chowkidar* on 12.04.1979 and his services were later on

regularized in the year 1991, which would mean that his previous services are to be taken into consideration for the purpose of grant of pension, gratuity, provident fund and other benefits of service.

Needless to say that these benefits are to be granted under the Rules and no benefit can be granted without following the Rules mentioned therein. The Lower Court never meant that benefit should be granted against the Rules.

Learned counsel for the appellant has referred to the authority “*Harjinder Singh vs State of Punjab*” 2003 (4) SCT 1, wherein it was held that payment of pension and provident fund as per Rules does not provide for excluding the period during which the employee was contributing to the Provident Fund while computing the qualifying service under the Pension Rules for the purpose of grant of pension.

No ground for interference is made out.

With the above-noted observations, the appeal is dismissed.

(KULDIP SINGH)
JUDGE

28.09.2015
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