

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
101**

COCP No. 120 of 2015 (O&M)

Date of decision: 21.09.2016

Surinder Kumar Mahajan

...PETITIONER

VS.

Kahan Singh Pannu and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr.C.M.Chopra, Advocate,
for the petitioner.

Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab,
for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In compliance with the order passed by this Court dated 26.08.2016 in the present contempt petition, the respondents have filed an additional affidavit, along with the said affidavit, a speaking order dated 09.08.2016 (Annexure R-1) has also been appended, wherein it has been asserted that the claim of the petitioner for counting of past service in the other departments prior to joining the present department for the benefit of seniority, retiral benefits and pension has been considered and rejected.

Counsel for the petitioner contends that the representation dated 30.07.1992, which has been considered by the respondents while rejecting the claim of the petitioner, is not mentioning about the pension or pensionary benefits and, therefore, the rejection of the claim of the petitioner is not justified.

This contention of the counsel for the petitioner could be a good ground for challenging the order dated 09.08.2016 passed by the

respondents and, therefore, this Court would not like to comment thereon. The direction issued by the Court in its order dated 21.03.2014 in CWP No. 875 of 2011 relevant for the purpose of the present issue reads as follows:-

“ As far as counting of the service rendered by the petitioner before joining the Department is concerned, the claim of the petitioner may be verified. In case, it is found that the service deserves to be counted for the purpose of his retiral benefits in terms of the Rules applicable, benefit be granted to him.”

A perusal of the same would show that the Court had not adjudicated upon the claim of the petitioner with regard to his entitlement for counting of his service which he had rendered prior to joining the respondents' department and had left it to the respondents to consider the claim and then pass appropriate order, which has been passed now on 09.08.2016.

In case the petitioner is aggrieved of the order, which has been passed by the respondents declining his claim, he may avail of his remedy in accordance with law.

With above observations, the present contempt petition is disposed of with liberty aforesaid.

September 21, 2016

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes
Whether Reportable:	No