

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.3602 of 2001 (O&M)
Date of decision: 22.10.2016

Gurbachan Singh

.... Appellant

versus

State of Punjab & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. K.S.Cheema, Advocate
for the appellant.

Mr. Rahul Verma, AAG, Punjab.

P.B.Bajanthri, J.(Oral)

Learned counsel for respondent filed short affidavit of Deputy Director of the Director Public Instruction (SE) Punjab in Court today, which is taken on record.

On perusal of para 3 of the affidavit, it is evident that the last pay drawn by the appellant as on 29.09.1987 is ₹2497/- in the unrevised pay scale. After giving effect to the revised pay scale w.e.f. 01.01.1986, the last pay of the appellant would be ₹3315/-. In this background, with the re-employment of the appellant on 29.09.1987 on consolidated pay of ₹700/- for the period from 29.09.1987 to 19.09.1990, the appellant is entitled for pension for the reasons that appellant's re-employment is not on the pay attached to the post held by him. In other words, the appellant has not been paid a sum of ₹3315/- per month, which is the last pay drawn by him as on 19.09.1987 during the re-employment period from 29.09.1987 to 19.09.1990. Therefore, the appellant is entitled either to the pay attached to

the post held on re-employment or pension from 29.09.1987 to 19.09.1990. In other words, the appellant is entitled to the pay attached to the post or pension w.e.f. 29.09.1987. Since the re-employment is on contract basis, therefore, the appellant is entitled to pension from 29.09.1987 to 19.09.1990, the same shall be calculated and disbursed to the appellant along with interest @ 9% per annum within a period of four months.

Secondly, the appellant is entitled to gratuity amount of ₹48,262/- as the same has been withheld by the respondents on the ground that the appellant failed to deposit the CPF amounting to ₹32,265/- along with interest. The respondents are stated to have adjusted the CPF amount to gratuity amount, which was due to the appellant. Since the gratuity amount has been withheld for want of settlement of CPF, the appellant is entitled to the difference of amount i.e. ₹15,993/- along with interest @ 10% per annum. The same shall be calculated and disbursed within a period of four months.

Accordingly, the present appeal is disposed of.

22.10.2016
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(P.B.Bajanthri)
Judge

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No