

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

CWP No.16786 of 2011

Date of decision: 11.02.2016

Sh. Brij Lal Yadav

...Petitioner

versus

Maharishi Dayanand University and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. N.K. Malhotra, Advocate,
for the petitioner.

Mr. Anurag Goyal, Advocate,
for the respondents.

RITU BAHRI, J.

Petitioner is seeking quashing of order dated 14.01.2011 (Annexure P-3) vide which her claim for payment of gratuity by counting the adhoc service rendered in the previous organization, has been declined.

The petitioner joined the respondent-university on 15.07.1978 on the post of clerk. Grievance of the petitioner is that his previous service, which he had rendered in the Government Medical College and Hospital, Rohtak w.e.f. 22.03.1972 to 14.07.1978, is not being counted for the purpose of gratuity.

In the written statement, stand taken by the respondents is that the petitioner had opted for the CPF Scheme. The Provident Fund and Gratuity Rules applicable in the case of the petitioner have been provided in the University Calendar Vol.-I, Statute 35. As per the said Calendar, the gratuity is to be paid as per Clause 41, Sub Clause 1 (a) (b) read with

Explanation.

A perusal of the impugned order (Annexure P-3) shows that the same has not been passed in terms of the above said Pension Scheme.

Accordingly, the impugned order dated 14.01.2011 (Annexure P-3) is set aside and a direction is given to the respondents to consider the claim of the petitioner by counting the previous services rendered by him w.e.f. 22.03.1972 to 14.07.1978 under the CPF Scheme which is applicable for calculation of gratuity, by passing a speaking order within a period of three months.

Disposed of accordingly.

(RITU BAHRI)
JUDGE

11.02.2016
ajp