

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14531-2012 (O&M)
Date of decision: 25.10.2016

Amarjit Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.D.D.Bansal, Advocate for the petitioner
Mr.R.S.Pathania, DAG Punjab
Mr.Bhupesh Dogra, Advocate for
Mr.Amit Aggarwal, Advocate for the respondent No.5

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

The petitioner was working as a Junior Draftsman with respondent No.5 Punjab State Electricity Board, Patiala (as it was then), which was a government organization since 19.4.1977. Later on some posts of Draftsman were advertised by respondent No.1 in the year 1982. The petitioner being in-service candidate sought permission by respondent No.5 to apply for the same. Application of the petitioner was forwarded by respondent no.5 vide letter dated 23.1.1982 (Annexure P1) stating that it has no objection if the employee is appointed in the office of Public Health as Draftsman. It comes out that the petitioner was selected. Petitioner deposited his one month's salary and departure report and joined in Public Health Department on 19.8.1985 (AN). Later on, it was pointed out that the

petitioner has not submitted the formal resignation, which he submitted vide orders dated 7.8.2001 (Annexure P10). Resignation was accepted by respondent No.5 w.e.f. 19.8.1985. Petitioner retired from the service of Public Health Department on 30.4.2011. He requested that his past service from 19.4.1977 to 19.8.1985 rendered by him in Punjab State Electricity Board should be counted for the grant of pension and pensionary benefits. Though his GPF was released but the said request was ultimately declined vide order dated 8.6.2012 (Annexure P27) on the ground that during the service he did not submit any representation and now it is barred by time.

In the reply, the respondents have not denied the factual position. It was stated that the first application for seeking benefit of past service was received on 2.2.2012 i.e. after 27 years from 1985. Therefore, it is belated and time barred and claim could not be considered.

I have heard learned counsel for the parties and have also carefully gone through the file.

The factual position is not in dispute. The petitioner was previously working in Punjab State Electricity Board, which is Punjab Government Organization. He applied through proper channel and was selected in Public Health Department, where he joined on 19.8.1985. He left service in the Punjab State Electricity Board after serving notice to the said department and depositing one month's salary and technical resignation was submitted later on i.e. On 19.7.2001 which was accepted from the date of his departure i.e. 19.8.1985. The petitioner retired from service on 30.4.2011. It was only after his retirement that the question of treating the past service for the purpose of pension is to be considered. Since it was not considered and granted, therefore, he filed a representation. The said representation cannot

be declined only on the ground that it is time barred. Rule 3.17A of the Punjab Civil Services Rules Volume I Part I provides that the pasts service can be counted. The first service was in the Punjab Government Organization. It was a regular service. The petitioner left the said service. He applied for the post of draftsman in Public Health Department through proper channel and later on submitted resignation from the previous service. Thereafter, he had joined the Public Health Department, which is also under the Government. The Punjab State Electricity Board had adopted the Punjab Civil Services Rules and the Civil Services Rules are otherwise applicable to Public Health Department. To both the services, Punjab Civil Services Rules are applicable.

It being so, under Rule 3.17A of the Punjab Civil Services Rules, the previous service of the petitioner is liable to be counted for the purpose of grant of pension. Therefore, the impugned order (Annexure P27) is liable to be quashed. Respondent Nos.1 to 4 and 6 are directed to count the previous service of the petitioner from 19.4.1977 to 19.8.1985 rendered in Punjab State Electricity Board, Patiala and accordingly grant him pension, gratuity, leave encashment and other benefits.

The writ petition is accordingly allowed.

25.10.2016

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No