

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17188 of 2013 (O&M)
Date of Decision: 09.09.2016

JIT SINGH

.... Petitioner

vs.

PRTC AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Madhav Pokhrel, Advocate
for the petitioner
Mr. Harsh Aggarwal, Advocate
for respondent No.1

Kuldip Singh J.(Oral)

The petitioner was working as conductor in the respondent corporation and joined duties on 23.09.1975. He started contributing towards provident fund w.e.f. 1.2.1977. He retired from service as Inspector on 31.10.2011. In the present writ petition, he has made three claims. First is that his qualifying service should be treated from the date he joined the service i.e. 23.09.1975 and not from 01.02.1977 when he started contributing towards CPF. Second is that he should be paid interest on the delayed payment of gratuity and leave encashment. Third is that he should be paid revised pension and arrears of pay in the revised pay scale w.e.f. 01.01.2006.

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

Regarding the first claim, it comes out that the matter has been repeatedly considered by this Court in several cases. In Pritam Singh Vs.

Pepsu Road Transport Corporation and Others (CWP No.19299 of 2010)

decided on 23.2.2012, in similar circumstances, following order was passed:

“ For the reasons afore-mentioned, this writ petition is allowed to the extent that the service rendered by the petitioner from 06.02.1971 to 01.01.1972 shall be counted towards 'qualifying service' for the purpose of pensionary benefits. However, the petitioner shall deposit the amount of CPF drawn for the said period along with interest to be determined by the Corporation, within two months from the date a certified copy of this order is received. Consequential pensionary benefits shall be released in favour of the petitioner within a period of one month thereafter.”

A Division Bench of this Court in Pepsu Road Transport Corporation, Patiala and another vs. Ved Parkash and another (LPA No.207 of 2011), decided on 3.2.2011, also held that service is to be counted from the date of the joining.

Learned counsel for the petitioner is ready to pay his contribution towards CPF from 23.09.1975 till 01.02.1977 along with the interest to be determined by the corporation. It being so, petitioner is directed to pay his contribution towards CPF along with the interest to be determined by the corporation w.e.f. 23.09.1975 to 31.01.1977 and on payment of such CPF contribution and interest, the qualifying service of the petitioner shall be treated from 23.09.1975.

Admittedly, the payment of gratuity has been made. It is stated on behalf of the respondents that due to a financial constraints, the interest was not paid. In any case, for the delayed payment, the petitioner is entitled to interest. Accordingly, the respondents are ordered to pay interest @ 9% per annum on the delayed payment of gratuity and leave encashment, starting three months from the date of retirement of the petitioner.

Regarding the third claim, there is no doubt that the pension was to be revised and arrears of pay were to be paid in the revised pay scale w.e.f. 01.01.2006. Accordingly, the respondents are directed to do the needful and pay the revised pension and the arrears of pay in the revised pay scale (if not already paid).

The present writ petition is accordingly allowed.

09.09.2016
gk

(Kuldip Singh)
Judge

Whether speaking / reasoned

Yes

Whether reportable

No