

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

CWP No.15444 of 2015

Date of decision: 22.01.2016

Vijay Bala

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. K.L. Dhingra, Advocate
for the petitioner.

Mr. Gaurav Goel, AAG, Haryana.

RITU BAHRI J. (Oral)

The petitioner has filed this civil writ petition seeking direction to the respondents to release the pension as well as other retiral benefits after considering her entire length of service w.e.f. 28.08.1976.

Learned counsel for the respondents is not disputing the fact that the petitioner was appointed as Craft Teacher by the Block Development and Panchayat Officer, Mohindergarh (Haryana). The petitioner was retired on 30.09.2007, after attaining the age of superannuation as Gram Sevika while posted in the office of Additional Deputy Commissioner, Nuh, District Nuh, Haryana.

Learned counsel for the petitioner has referred to the instructions dated 22.11.1991, which has been issued regarding

pensionary benefits for the employees of District Boards, Zila Parishads and Panchayat Samities. As per these instructions, the Government has granted benefits of previous service rendered in Zila Parishads/Panchayat Samities to its employees towards pension/family pension/gratuity from their date of appointment in the erstwhile District Boards/Zila Parishads/Panchayat Samities wherever such employee was later absorbed in the government service.

The instructions dated 22.11.1991, came up for consideration before the Division Bench of this Court in “***Om Pati vs State of Haryana and others***”, 2007(1) RSJ 582 and the Division Bench of this Court in Para 8 of the judgment held as under:-

“In view of the above, we allow this writ petition and set-aside the impugned order dated 24.12.2003 (P-4) by declaring the same to be illegal. Accordingly, the respondents are directed to calculate the family pension of the petitioner by taking into account the whole service of her husband rendered from 1.10.1964 to 24.7.1972. The family pension shall be released to the petitioner within a period of two months from the date of receipt of certified copy of this order. In view of the law laid down by Hon'ble the Supreme Court in the case of S.K. Mastan Bee vs. General Manager, South Central Railway, 2003(1) SCC 183, the arrears shall be paid to the petitioner from the date arrears were due till the date of its payment within the aforementioned period. The respondents shall keep on

paying to the petitioner the family pension for life. If the needful is not done within a period of two months from the date of receipt of certified copy of this order either from this Court or from the petitioner then the petitioner shall be entitled to interest on the arrears @ 6% per annum from the date payment was due till the date of actual payment. The petitioner is also held entitled to have her costs, which we determine at Rs.5,000/-.”

This judgment has attained finality and similar benefits have been extended/settled in number of judgments to the employees of Panchayat Samities.

By following the ratio of ***Om Pati's case (supra)***, the Division Bench of this Court in **LPA No.1806 of 2012**, titled as ***“The State of Haryana and others vs Smt. Dropati Devi”***, decided on 07.12.2012, has dismissed the appeal filed by the State.

Learned counsel for the respondents is unable to cite any judgment contrary to the facts of the present case.

Keeping in view the above facts and circumstances and the ratio laid down in Om Pati's case (supra), the present writ petition is being allowed with a direction to the respondents to release the pension and other retiral benefits to the petitioner w.e.f. 28.08.1976.

(RITU BAHRI)
JUDGE

22.01.2016
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