

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.16480 of 2014

Date of Decision:- 26.05.2016

Shankar Singh Punia

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sunil K. Nehra, Advocate
for the petitioner.

Mr. Ravi Partap Singh, Asstt. Advocate General, Haryana.

RITU BAHRI, J. (Oral)

Petitioner is seeking quashing of the impugned order/letter dated 07.06.2013 (Annexure P-3) and further direction to give benefit of three years service to him as an Advocate in his total qualifying service for the purpose of pension and with a further prayer to grant the benefit of period of adhoc service from 07.01.1985 to 29.05.1986 and temporary service w.e.f. 04.06.1986 to 02.07.1986 in his total qualifying service and further a prayer to count period from 03.05.1986 to 03.06.1986 and 03.07.1986 to 13.04.1991 as qualifying service for the purpose of pension.

Petitioner was enrolled as an Advocate in the year 1979 and practice in District Court at Hisar till 06.01.1985. He was joined the prosecution department as Assistant District Attorney on 07.01.1985 on

adhoc basis and worked there till 29.05.1986. After 5 days, he was again appointed on regular basis and he joined from 04.06.1986. Thereafter, the post of ADA was abolished by the Government and he was relieved from service w.e.f. 02.07.1986. This action of the State was challenged before this Court by filing CWP No.8903 of 1990 on the ground that posts were available with the State but were not advertised only to circumvent the undertaking given before the Hon'ble Supreme Court to the effect that as and when vacancy became available the selected candidates shall be adjusted. The petitioner was adjusted on 14.05.1991 and thereafter retired from the department on 29.02.2012. .

Upon notice, written statement has been filed by the respondents whereby the petitioner has been granted the following benefits:- (i) two years special addition to service qualifying for superannuation pension, vide order dated 15.01.2013 (Annexure R-1); (ii) Vide order dated 19.05.2015 (Annexure R-2), the remaining three years qualifying service for superannuation pension has been granted and (iii) Vide order dated 29.05.2015 (Annexure R-3), the benefit of Adhoc service from 07.01.1986 to 29.05.1986 and from 04.06.1986 to 02.07.1986 as per Rule 4.23 of Punjab Civil Services Rules. Thereafter, the revised pension and gratuity has been released to the petitioner on 21.07.2015. The petitioner has been held not entitled for the benefit of counting of service w.e.f. 30.05.1986 to 03.06.1986 and 03.07.1986 to 13.05.1991 on the ground that he was not in service during this period. The claim of the petitioner has been rightly declined as he has given an undertaking in the Hon'ble Supreme Court to the effect that as and when the post became available he shall be allowed to join.

The precise grievance of the petitioner is now that after retirement on 29.02.2012, he should be paid interest on the delayed payment.

In this view of the matter, the present writ petition is disposed of by giving direction to the respondent(s) to make payment of 9% interest to the petitioner on the delayed payment with effect from the date 01.06.2012 till the payment is being made, within a period of three months, from the date of receipt of certified copy of this order.

May 26, 2016
naresh.k

(**RITU BAHRI**)
JUDGE