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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 10.11.2016

CWP No. 18651 of 2014 (O/M)

Puran Chand Chugh and others .... Petitioner (s)

Versus

State of Haryana and others .... Respondent (s)

CWP No. 7566 of 2016 (O/M)

Vidya Wati .... Petitioner (s)

Versus

State of Haryana and others .... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. K.L. Dhingra, Advocate, for the petitioners in both cases.

Mr. Naveen Sheoran, Deputy A.G. Haryana.

Mr. Rajdeep S. Cheema, Advocate, for respondent No. 4 in both the petitions.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

By this single judgment, I will dispose of two writ petitions i.e. CWP-18651-2014 and CWP-7566-2016 as similar question of law and facts are involved in both the petitions. For brevity, the facts are extracted from CWP No. 18651 of 2014.

The petitioners are retired S.S. Masters/S.S.

Mistresses/PTI/JBT from A.S. High School, Pundri, Kaithal, which is a Privately Managed Government Aided School. The petitioners No. 1 to 5 in CWP-18651-2014 joined the service on 18.10.1976, 4.5.1984, 5.5.1980, 1.8.1986, 20.9.1971 respectively, whereas the petitioner in CWP-7566-2016 joined the service on 6.3.1967. Thereafter, they retired from service on different dates i.e. from 31.3.2003 to year 2011. They are claiming that they were working against the grant-in-aid posts. In the year 2001, the Pension and CPF Rules (Schools) called the Haryana Aided Schools (Special Pension and Contributory Provident Fund) Rules (in short ' CPF Rules of 2001') were introduced, which allowed pension to the retirees of the Privately Managed Government Aided Schools. Earlier the petitioners were contributing towards CPF from the different dates mentioned in column No. 5 of Annexure-R-1, which is reproduced below :-

1	2	3	4	5	6	7	8	9
Sr. No.	Name of Petitioner	Date of Regular appointment	Date of Retirement	Date of deduction of CPF Share	Date of Starting of CPF Share	xxxxx	xxxxx	xxxxx
1	Puran Chand	18/10/1976	28/2/2011	01/03/81	18/10/1976			
2	Kamlesh Walia	04/05/84	31/12/2010	01/11/87	04/05/84			
3	Mam Chand	05/05/80	31/3/2003	01/01/85	05/05/80			
4	Satya Kumari	01/08/86	31/1/2009	01/07/89	01/08/86			
5	Tej Singh	20/9/1971	31/5/2007	01/03/81	20/9/1971			
6	Vidya Wati	06/03/67	31/1/2007	01/03/81				

Later on the petitioners were given option to give fresh option to deposit the subscription to the C.P. fund alongwith interest at the prevailing rate as worked out by the Director within 90 days from the date of commencement of these rules. The petitioners accordingly deposited the said amount of CPF alongwith interest as calculated from the date of their initial joining. This is also clear from the revised PPOs (Annexure-P-1 to P-5) wherein the date of contribution of CPF is mentioned. The grouse of the petitioners is that their pension is not being released after computing the entire service from the date of their joining. Rather the qualifying service is being considered from the date from which they initially started contributing CPF, on different dates, as mentioned in Annexure-R-1 reproduced above. It is the case of the petitioners that since they had opted for contributing towards CPF from the date of their initial joining. Therefore, their entire service from the date of initial joining is to be computed as qualifying service for the purpose of grant of pension and other retiral benefits.

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

Rule 5 of CPF Rules of 2001 shows that the qualifying service will be taken into account from the date an employee subscribes contribution towards contributory provident fund. From the reply of the respondents, it comes out that the 90 days' time from the commencement of these rules was given to give fresh option for contribution to CPF. The petitioners accordingly opted for the CPF from the date of their initial joining and accordingly deposited the CPF alongwith interest. It being so, it has to follow that the entire service of the petitioners from the date of their initial joining will be treated as qualifying service for computing pension and other retiral benefits. As such, the present writ petitions are allowed. The respondents are directed to compute the entire service of the petitioners for the purpose of grant of pension and other retiral benefits and release the same. The present writ petitions are allowed.

(KULDIP SINGH)
JUDGE

10.11.2016
sjks

Whether speaking / reasoned : Yes
Whether Reportable : No