

120 + 216
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-8712-CWP-2016 in/and
CWP No. 20081 of 2014 (O/M)
Date of decision : 12.8.2016

Khazan Singh Petitioner (s)

Versus

State of Punjab and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. B.S. Patwalia, Advocate,
for the applicant-petitioner.

Mr. Rupam Aggarwal, Deputy A.G. Punjab.

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)

CM-8712-CWP-2016

In pursuance to the order passed by this Court on 22.4.2016, certain documents are taken on record.

Application is disposed of.

Main case

The petitioner was appointed as a Veterinary Pharmacist on adhoc basis with effect from 13.3.1979. His services were regularized in the October, 1988. The petitioner took pre-mature retirement on 30.6.2005. Now, he claims that for the purpose of pensionary benefits, his adhoc service should also be counted.

The respondents have relied upon Rule 2 (k) of the Punjab Panchayat Samiti and Zila Parishad Employee Pension and Provident Fund Rules, 2000, wherein the adhoc service is only to be counted from the date

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the contribution from CPF commenced. The matter came up for consideration before this Court in Sita Devi w/o Manohar Lal Versus State of Punjab and others, 2016 (1) SCT 69, wherein the rule was interpreted and following operative order was passed :-

“15. In view of the facts as well as law position as discussed above, the present petition is allowed and the petitioner is held entitled for counting of her entire service as qualifying service for the purpose of pension. However, the Contributory Provident Fund of that period will be adjusted and deducted from the arrears of her pension.”

The petitioner is also entitled to similar benefit. Accordingly, the present writ petition is decided in terms of the authority of this Court in Sita Devi's case (supra), subject to the same conditions, as imposed in the said authority. The present writ petition is accordingly allowed. The matter be decided within two months from the date of receipt of copy of this order, as directed in Sita Devi's case (supra).

(KULDIP SINGH)
JUDGE

12.8.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No