

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.23710 of 2013
Date of Decision:- 30.5.2016.

Suneet Verma

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

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

Present: Mr. Vikas Chatrath, Advocate for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

Mr. K.K. Kohli, Advocate for respondent Nos.2 and 3.

P.B. BAJANTHRI, J.

1.) In the instant writ petition, the petitioner has questioned the communication of the Director – respondent No.3 dated 17.9.2013 by which claim of the petitioner for grant of gratuity, ACP-III (after completion of 14 years of service from the date of entry into service), arrears of pay scales & revised pay w.e.f. 1.1.2006, annual increment for the year 2010-11 and leave encashment of 227 days has been declined.

2.) The petitioner was selected and appointed to the post of Accounts Clerk on 14.7.1995. While he was working as Accounts

Clerk he was directly recruited to the post of Accountant on 14.1.1996. Thereafter he was directly appointed to the post of Finance Officer. Petitioner was sent on deputation to Northern India Institute of Fashion Technology, Mohali. While he was on deputation before expiry of deputation period, a correspondence for the purpose of absorption of the petitioner in the NABI was going on. During process of correspondence, petitioner is stated to have submitted resignation. The same was accepted on 14.9.2012 and he was relieved. After his relieving from the third respondent office, he is entitled for service benefits like gratuity, ACP-III (on completion of 14 years of service), annual increment for the year 2010-11, arrears of pay scales & revised pay w.e.f. 1.1.2006 and leave encashment of 227 days. In this regard, on behalf of the petitioner, his counsel issued a legal notice. The same was rejected by the third respondent-Director vide Annexure P-11 dated 17.9.2013. Feeling aggrieved by the rejection of legal notice, the present petition has been filed.

3.) Learned counsel for the petitioner contended that the petitioner was on deputation to NABI from the office of third respondent. During deputation, whatever the service condition in the office of third respondent he is entitled for the reason that he had a lien in the office of third respondent. The same cannot be denied merely because, the petitioner has resigned from the office of third respondent. It was further contended that office of third respondent

have adopted ACP Scheme and Punjab Civil Services Allied Rules for the purpose of granting service benefits to employees of the third respondent insofar as granting annual increment, arrears of pay scales & revised pay w.e.f. 1.1.2006 and leave encashment. Thus, petitioner's claim is in accordance with Rule.

4.) Per contra, learned counsel for the third respondent submitted that the petitioner is not entitled for any relief sought in this petition for the reasons that he has resigned the job in the office of third respondent. Person who has resigned the job is not entitled to any service benefits.

5.) Heard learned counsel for the parties.

6.) It is undisputed that the petitioner was on deputation to NABI, he has resigned the post in the office of third respondent and the same was accepted by the third respondent. An employee who is on deputation has a lien over the parent Department. Therefore, whatever the service conditions prevailing in the parent Department, such of those employees are entitled for service benefits despite the fact that they are on deputation. The petitioner's claim is relating to ACP-III (on completion of 14 years of service), annual increment and arrears of pay scales & revised pay and it is due to the petitioner when he was in service in the office of third respondent i.e. before the date of resignation on 14.9.2012. Insofar as payment of gratuity and leave encashment are concerned the gratuity amount and leave encashment are pertaining to the service rendered in the parent

department, therefore, the same cannot be denied by the respondents. Once the respondents have adopted Punjab Civil Services Rules and other Allied Rules for the purpose of granting service benefits like gratuity, ACP, annual increment, arrears of pay scales & revised pay and leave encashment, they are bound to settle the petitioner's service benefits, since above service conditions accrued to the petitioner while he was in the office of the third respondent. Even if one of the item is accrued when he was on deputation but still he had a lien over the parent Department, namely, third respondent. Annexure P-11 dated 17.9.2013 is set aside. Respondent No.3 is directed to re-examine the whole issue and settle the petitioner's service benefits which are referred above within a period of three months from today. If the petitioner's grievance is not settled within a period of three months, the petitioner is entitled to cost of ₹ 10,000/-. The petitioner is also entitled interest @ 9 % on the belated settlement of monetary benefits.

7.) Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

May 30, 2016.

sandeep sethi