
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.5973 of 2012

Date of decision: 2.2.2016

Daljit Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. G.S.Bal, Senior Advocate with
Ms. Manju Sharma, Advocate for the petitioner.

Mr. L.S.Virk, Addl. Advocate General, Punjab.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the benefit of counting of service from 7.9.1973 to 21.8.1980 towards qualifying service for pension under the Punjab Civil Service Rules.

Initially the State had contested the issue by taking the stance that the petitioner has not taken the consent of his parent department and he had not applied through proper channel while applying for the post of S.S.Master. However, on 24.8.2015, this Court passed the following order:-

“Between 1973 to till date of his retirement, petitioner was within the Education Department in different Institutions. The respondents have denied service benefits for the period from 07.09.1973 to 21.08.1980 for the reason that petitioner has not sought permission to take up the new post in the Education Department itself. The petitioner all along served in the Education Department itself therefore, question of seeking permission to seek another post in the Education Department itself may not be necessary.

List on 19.10.2015.

In the meanwhile respondents have to ascertain the position and submit on the next date of hearing.”

In view of the said order benefit has been given by the respondents and now order dated 29.1.2016 has been passed by respondent no.3. Counsel for the State has placed on record the copy of order dated 29.1.2016. The same is taken on record. In the said order, it has been ordered that the actual service rendered by the petitioner prior to his selection as Social Science Master shall be treated as 'Qualifying Service' for the purpose of computing his retiral benefits. The relevant portion reads as under:-

“On perusal of service records of the petitioner, it has been revealed that the petitioner did fulfill the above said conditions. Therefore, it is hereby ordered that the actual service rendered by Sh. Daljit Kumar, retired Principal, Government Senior Secondary School, Daulatpur, Pathankot as Clerk prior to his selection as Social Science Master for the period from 7.9.1973 to 21.8.1980 in the Department shall be treated as 'Qualifying Service' for the purpose of computing his retiral benefits. Accordingly, after preparing a fresh history sheet with regard to service record of the petitioner, his pensionary benefits shall be got revised from the Accountant General, Punjab, Chandigarh as early as possible expeditiously.”

Accordingly, keeping in view the above, senior counsel for the petitioner submits that the present writ petition has been rendered infructuous. He, however, further submits that the revised pensionary benefits be processed and paid to the petitioner within some fixed time frame.

Keeping in view the request made which is found to be genuine since the petitioner retired on 31.8.2010, the State is directed to ensure that the said order is implemented within three months from the

date of receipt of a certified copy of this order.

Accordingly, the present writ petition is disposed of with the
aforesaid direction.

February 02, 2016
Pka

(G.S.SANDHAWALIA)
Judge