

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.25656 of 2014

Date of Decision:21.04.2016

Gurcharan Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Y.K. Saini, Advocate for the petitioner.

Mr. Hitesh Pandit, Addl. AG, Haryana.

RITU BAHRI, J.(Oral)

The petitioner is seeking directions to the respondents to revise the pension of the petitioner after counting period of 3 years 11 months and 5 days of qualifying service.

Pursuant to the award passed by the Labour Court (Annexure P.1) dated 21.10.1989, the services of the petitioner were terminated by the Management on 5.8.1986. Before the Labour Court, the parties came to an amicable settlement and the petitioner was taken back in service without backwages. However, he was granted the benefit of continuity of service. The petitioner is now seeking benefit of continuity of service to be treated as qualifying service for calculating his retiral benefits. As per the written statement, the petitioner retired on 31.10.2012 and has been granted pension after taking the qualifying service as 25 years 11 months 25 days and the award of Labour Court dated 21.10.1989 has been implemented by taking him back in service and the intervening period has not been counted towards qualifying service only on the ground that he has given up the backwages.

The stand taken by the respondents is liable to be rejected as the award of the Labour Court Annexure P.1 has attained finality by which he has been retained in service with continuity of service and the period w.e.f. 5.8.1986 till the date of reinstatement has to be counted as qualifying service.

For all intents and purposes, the petition is allowed. Direction is given to the respondents to add the the period of service when the petitioner was out of service by giving the benefit of continuity of service as per the award Annexure P.1 and revise his pension within a period of three months and a compliance report be sent to this Court.

April 21, 2016
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(RITU BAHRI)
JUDGE