

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-789-2012 (O&M)

Date of decision: 01.12.2016

Blavinder Kaur

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.R.K.Arora, Advocate for the petitioner
Mr.R.S.Pathania, DAG Punjab
Mr.Naveen Sheoran, DAG Haryana

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Petitioner was working as a Staff Nurse with the Department of Health and Family Welfare Haryana since 24.10.1974. Thereafter, she applied for the post of Staff Nurse in the State of Punjab and joined in the State of Punjab on 5.8.1981 on regular basis. Before joining the State of Punjab, she submitted resignation to the concerned authority in the Government of Haryana, which was accepted. Petitioner retired from service from State of Punjab on 30.4.2010 on attaining the age of superannuation. Now, the petitioner claims that her service from 1.11.1974 to 4.8.1981 in the State of Haryana, which was pensionable, should be counted as qualifying for pension.

State on the other hand, has taken a stand that the petitioner had not applied for job in the Punjab State through proper channel. She even did not take 'no objection certificate' from Health Department Haryana. No

permission was taken from the competent authority to apply for the post of Staff Nurse in the State of Punjab. She resigned on 4.8.1981 mentioning that she is resigning on account of domestic circumstances and did not mention the fact that she is resigning on account of her selection to the post of Staff Nurse in the State of Punjab. She also deposited one month's salary in lieu of the notice. According to the respondents State, under Rule 3.17 of the Punjab Civil Services Rules Volume II, it entails the forfeiture of past service.

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

The question arising for consideration is as to whether the past service of the petitioner rendered by her in the State of Haryana is to be computed for the purpose of pension in State of Punjab?

Perusal of Rule 3.17 of the Punjab Civil Services Rules Volume II makes it clear that in such cases, the employee must apply through proper channel with proper permission of the administrative authority concerned. In the present case, the petitioner did not apply for the post of Staff Nurse in the State of Punjab with the proper permission of the administrative authority or through proper channel. It appears that she even concealed her appointment and posting in the State of Punjab from the administrative authority of State of Haryana. When she was selected with State of Punjab, she simply resigned on the ground of domestic circumstances and deposited one month's salary in lieu of the notice.

It being so, the past service of the petitioner rendered in the State of Haryana is not to be computed for the purpose of pensionary benefits in the State of Punjab. A perusal of the authorities Man Singh vs.

State of Haryana and others (CWP No.8094 of 2011) decided on 22.9.2016 and Partap Singh vs. State of Haryana and others, (CWP No.6980 of 2009) decided on 23.10.2009 produced by the petitioner shows that in the said cases the employee had applied through proper channel with the proper permission of the competent authority.

There are no merits in the present petition. The same is accordingly dismissed.

01.12.2016
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes
Yes