

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

**205**

**CWP No.3280 of 2013 (O&M)  
DATE OF DECISION: 09.11.2016.**

**Ram Niwas Sharma**

**....Petitioner.**

**Versus**

**State of Haryana and others**

**...Respondents.**

**CORAM: HON'BLE MR. JUSTICE KULDIP SINGH**

**Present:** Mr. Sunil Kumar Bhardwaj, Advocate for the petitioner.

Mr. Naveen Sheoran, Deputy Advocate General, Haryana.

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**KULDIP SINGH, J.(Oral)**

Petitioner, Ram Niwas Sharma, was initially appointed as Science Master in Vaish Senior Secondary School, Bhiwani on 15.07.1974. It is stated that vide application Annexure P-1, he applied for appointment as a Head Master in M.L.A. Senior Secondary School, Jatauli, Haily Mandi on 05.07.1985. He was selected and accordingly appointed at M.L.A. Senior Secondary School, Jatauli as 'Head Master'. Accordingly, he presented his resignation and on 07.07.1985 he joined in the M.L.A. Senior Secondary School, Jatauli from where he retired from service on 30.04.2009 after attaining the age of superannuation. The petitioner requested the respondent to count his service from 15.07.1974 to 07.07.1985 rendered in Vaish Senior Secondary School. During service he also deposited his CPF share alongwith interest amounting to Rs.1,24,595/- on 30.06.2002. However, his services rendered in the earlier school is not being counted by respondents No.1 and 2. As per Rule 6 of the Haryana Aided Schools (Special Pension and Contributory Provident Fund) Rules, 2001, if an employee resigns from

service and there is an interruption of service same cannot be counted for the pensionary benefits.

Respondent No.4 has not filed the written statement to protest the claim. In this case, it is evident from application Annexure P-1 that petitioner applied for the post of Head Master in M.L.A. High School, Jatauli, Haily Mandi through proper channel. He was selected as Head Master and the resignation submitted by him is only a technical resignation therefore the said resignation cannot be treated under Rule 6, relied upon by the respondent. As to case of interruption in service, the service of the petitioner being to be continuous since the petitioner applied through proper channel, therefore his service rendered from 15.07.1974 to 05.07.1985 in the Vaish Senior Secondary School, Bhiwani is to be counted for granted DCRG and other retiral benefits. The petitioner also deposited his CPF contribution alongwith interest. Hence, the petition is allowed and respondents are ordered to count the previous service of the petitioner as indicated above for calculating the pension and DCRG/ General benefits and recalculate the retiral benefits and release the same to the petitioner within three months from the date of receipt of copy of the judgment.

**(KULDIP SINGH)**  
**JUDGE**

**09.11.2016.**

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|---------------------------|---|--------|
| Whether Speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |