

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

**C.M. No. 8469 of 2015 in/and
C.W.P No. 91 of 2012
Date of decision : 24.02.2016**

Dr. Pritam Lal Dhall

...Petitioner

versus

State of Haryana & others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. K.L. Arora, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl.A.G. Haryana

Mr. Arun Kumar Singal, Advocate
for respondent No 3.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RITU BAHRI , J. (Oral)

C.M. No. 8469 of 2015

The application seeking early hearing of the main case is allowed and the main case is taken up today itself.

C.W.P No. 91 of 2012

Petitioner was appointed as Lecturer in Education (to teach Hindi) on 31.10.1981 in Rural College of Education, Kaithal and his appointment was approved by the Kurukshetra University. Petitioner

was confirmed w.e.f 31.10.1982, vide letter dated 05.12.1982 and his C.P.Fund was deducted. Subsequently the Rural College of Education, Kaithal was disaffiliated by the Kurukshetra University and the staff was adjusted by the Haryana Education Department in different affiliated colleges. Petitioner was adjusted as Lecturer in Hindi in I.B.College Panipat and he joined on 14.05.1988 without any break. Petitioner retired on 30.04.2009.

Petitioner is seeking counting of his service w.e.f 31.10.1982 (date of confirmation) or 31.10.1981 (date of appointment) as qualifying service for pension in view of Haryana Affiliated Colleges Pension and Provident Fund Rules, 1999 (for short 'Rules 1999').

On notice, a written statement has been filed by respondent No. 1 and 2 admitting the fact that petitioner joined on 31.10.1981 in Rural College of Education, Kaithal and subsequently retired on 30.04.2009. Further it has been stated that the C.P Fund of the petitioner as per audit dated 26.03.2004 and as per record/ledger provided by the concerned Institution Rs.8730.70 (out of balance of Rs.8750.70) has been deposited w.e.f 01.03.1986 to February 1988 of Rural College of Education, Kaithal and Rs.8730.70 was transferred from PNB, Karnal road Kaithal to OBC in May 1992. Thus the employee share of Rs.4365.35 related to the period March, 86 to Feb 1988 instead of period 31.10.1982 to 13.05.1988. The respondents has asked the

Institution vide letters dated 28.11.2011 dated 18.01.2012 to send the proof of C.P.F Deduction w.e.f 31.10.1982 to 28.02.1986 and proof of C.P.F amount from one bank to another but the concerned institution could not supply the information. The case of the petitioner was further not covered under Rule (V) of Rules 1999.

A replication has been filed to the above said written statement and petitioner reiterated the facts that he deposited the CPF from 31.10.1982 till 28.02.1986. Further petitioner stated that he is ready and willing and undertakes to deposit the CPF with interest. It Reference has been made to audit objection/audit report given by the auditors of the respondents, which reads as under:-

(i)	CPF M/C Mgt. Corpn.	Rs.1,27,939-00
(ii)	Deposit	Rs.48,918-00
(iii)	Balance (Rs.1,27,939 minus 48,918)	Rs.79021/-

Thus the audit objection was that the petitioner was to deposit an amount of Rs.79021/-, which was deposited by him vide challan form S.T.R 4 (P-13/1).

Learned State counsel on the other hand on instructions from Kuldeep Singh, S.O and Mahipal Singh Section Officer, Higher Education submits that in compliance of order dated 02.12.2015, they

have verified that the petitioner has not deposited CPF w.e.f October 1982 till February 1986.

Keeping in view the above factual position, this petition is disposed of and direction is given to the respondents to calculate the C.P.F amount along with interest, as per prevalent instructions of the State Government, to be paid by the petitioner w.e.f 1982 till February 1986 and inform him regarding the same. The petitioner thereafter deposit the same and thereafter, respondents are directed to consider the qualifying service of the petitioner w.e.f 31.10.1982 as Lecturer instead of March, 1986 and revise his pension accordingly. This exercise shall be completed within a period of three months from the date of receipt of certified copy of this order.

(RITU BAHRI)
JUDGE

24.02.2016

G Arora