

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Writ Petition No.25487 of 2016
Date of decision: December 09, 2016

Tajinder Kaur
versusPetitioner

Union of India and othersRespondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

1. The challenge in this petition filed under Article 226 of the Constitution of India is to the order dated 30.09.2016 (**Annexure P-17**) passed by the Central Administrative Tribunal, Chandigarh (in short 'the Tribunal') and the order dated 29.01.2013 (**Annexure P-14**) passed by respondent No.2 and the order dated 24.11.2014 (**Annexure P-15**) passed by respondent No.4. Further prayer has also been made to direct the respondents to grant past service benefit to the petitioner, for the purposes of applicability of Central Civil Services (Pension) Rules, 1972, like counting of past service, applicability of old pension scheme etc.

2. After arguing for sometime and when the Bench was not agreeing with the contentions raised by learned counsel for the petitioner with regard to the counting of past service rendered by the petitioner in the Kendriya Vidyalaya Sangathan (in short 'KVS'), he submitted that the additional point was raised before the Tribunal

for treating the service rendered by the petitioner in the KVS as temporary service. Even if the petitioner was to be treated as a temporary employee in the service of KVS, her service rendered with the KVS had to be counted as qualifying service for pensionary benefits as the KVS is an autonomous body under the Ministry of Human Resource Development, Government of India. It was urged that the said point had not been dealt with by the Tribunal and he may be allowed to withdraw the present writ petition with liberty to file the review application before the Tribunal.

3. Dismissed as withdrawn. It shall, however, be open to the petitioner to take recourse to the remedies as may be available to her, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

December 09, 2016
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No