

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

CWP No. 3405 of 2015

Date of Decision: 26.09.2016

RAJINDER KUMAR JAIN

... Petitioner

VS.

STATE OF PUNJAB AND OTHERS.

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sandeep Khunger, Advocate,
for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

Mr. Ravinder Singh Sampla, Advocate,
for respondents No. 2 and 3.

KULDIP SINGH, J. (Oral)

Brief facts of the present writ petition are that Shashi Prabha Jain wife of the petitioner, who was working as Subject Expert in Punjab School Education Board, S.A.S. Nagar, Mohali, retired on 30.04.2012 from service on attaining the age of superannuation. She expired on 26.06.2013. The husband of the said employee has filed the present petition seeking quashing of the order dated 15.09.2014 (*Annexure P-10*) passed by respondent No. 4 vide which he refused to implement the order passed by respondent No. 2 on the ground that the benefit of ad hoc service could only be counted by the Committee of the Administrative Department.

It comes out that during the proceedings that the ad hoc service of the deceased employee from 19.07.1982 to 19.10.1987 has been treated as qualifying service and the pensionary benefits have been accordingly released to him from the date of the retirement. The only question that survives for

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consideration and pressed by the petitioner is for grant of interest on the delayed payment and cost of litigation.

In this case, Shashi Prabha Jain retired from service on 30.04.2012, therefore, the Board was supposed to take a decision regarding the ad hoc services of the petitioner w.e.f. 19.07.1982 to 19.10.1987. The Board did take the decision vide order dated 02.07.2014 (*Annexure P-9*) i.e after more than two years of the retirement of the deceased employee, whereas it should have been taken within reasonable time of two months from the date of retirement. Unfortunately, Shashi Prabha Jain has expired on 26.06.2013 i.e. after one year and two months of retirement without getting any retiral benefits on account of ad hoc services towards pensionary benefits.

It also comes out that the Secretary, of the respondent Board, had passed an order dated 02.07.2014 (*Annexure P-9*) i.e after more than two years of the retirement of the petitioner that the ad hoc service of the petitioner is to be counted for the purpose of retiral/pensionary benefits. It also comes out that vide order dated 15.09.2014 (*Annexure P-10*), the Deputy Controller, Local Audit, Punjab State Education Board, raised some objections on account of which benefit of counting and pensionary benefits were not released.

I am of the view that it was for the Board to take a decision. They took about two years and two months to take such decision, whereas, it should have been taken within maximum of three months from the date of retirement of the employee.

As per the law established long back, the ad hoc service was to be counted for the purpose of retiral benefits. Since this was not done within reasonable time, the petitioner is entitled for interest on the enhanced pensionary benefits.

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In view of the foregoing discussion, respondent No. 2-Board is directed to release the interest @ 9% per annum on the enhanced pensionary / retiral benefits of the petitioner within two months from the date of receipt of the copy of this order.

The present petition stands allowed accordingly.

September 26, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

	✓	
<i>Whether speaking / reasoned</i>	<i>Yes</i>	<i>No</i>
		✓
<i>Whether Reportable</i>	<i>Yes</i>	<i>No</i>