

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

CWP No. 3933 of 2016

DATE OF DECISION :- February 27, 2016

Sushil Kumar

...Petitioner

Versus

Central Administrative Tribunal, Chandigarh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. Karnail Singh, Advocate for the petitioner.

M.JEYAPPAUL, J.

1. Aggrieved by the rejection of claim of the Writ Petitioner seeking counting of his service in Uttarakhand Government by the Railway Authorities who are the respondents herein, the Writ Petitioner approached the Tribunal which was pleased to dismiss the Original Application filed by the Writ Petitioner.

2. The fact remains that the Writ Petitioner joined the service of Uttarakhand Government as on 28.6.2002. Having put in about six and a half years of service, he joined Railways on 14.12.2008 as Group A Officer. The Writ Petitioner sought for counting the service of about 6½ years he put in Uttarakhand Government for the purpose of pensionary benefit by the

respondents. The respondents rejected the claim of the Writ Petitioner on the ground that as per the Railway Servant (Pension) Rules, 2004, the service put in by the Writ Petitioner in Uttarakhand Government cannot at all be counted for the purpose of according pensionary benefits to the Writ Petitioner.

3. The learned counsel appearing for the Writ Petitioner submits that as per old Rule namely Railway Services (Pension) Rules, 1993 even the service put in by the Writ Petitioner in the State Government shall be counted by the Railways for the purpose of according pensionary benefits. Inasmuch as the Writ Petitioner had joined service in Uttarakhand Government as early as on 28.6.2002 even prior to the enactment of the Railway Servant (Pension) Rules, 2004, his past service shall be counted in accordance with the old Pension Rules.

4. The Writ Petitioner has joined the service of Railways as Group A Officer only on 14.12.2008, after the Railway Servant (Pension) Rules, 2004 came into force. The above new Rule is specific that the said Rule would apply to all the Railway servants who joined service after the enactment of the said Rule in 2004.

5. Inasmuch as the Writ Petitioner has joined the Railway Service only after the above new Rule has come into force, he cannot lawfully claim that his service of about 6½ years he had put in Uttarakhand Government shall be counted by the Railways for pensionary benefits, more especially when the new Rule framed by the Railways does not give any scope for counting such service put

in by an employee in the State Government.

6. In our considered view, the Tribunal has rightly rejected the claim of the Writ Petitioner seeking counting of past service in Uttrakhand Government. We do find any merit in the Writ Petition. Therefore, the Writ Petition stands dismissed.

**(M. JEYAPPAUL)
JUDGE**

**(RAJ MOHAN SINGH)
JUDGE**

February 27, 2016

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