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

RSA No.3452 of 2012

Date of decision: January 08, 2016

Gulab Singh

.....Appellant

Versus

Punjab State through District Collector, Mansa
and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. J.P.S. Sidhu, Advocate
for the appellant.

SABINA, J

Appellant had filed suit for declaration that his entire previous temporary service be counted towards pensionary benefits.

The case of the appellant, in brief, was that he had worked as a Teacher in Government High School, Joga from 26.09.1962 to 13.02.1963 and from 12.03.1963 to 03.06.1963 on temporary basis at Primary School Tandian. Thereafter, appellant had worked from 14.10.1964 to 02.02.1970 as Agriculture Sub Inspector under Haryana Agriculture University, Hisar. Appellant had resigned on 03.02.1970 to enable him to join Punjab Agriculture Department regularly on 04.02.1970. Since the appellant had rendered continuous service from 26.09.1962 till he joined on a regular post on 04.02.1970, the service

rendered by the appellant on temporary basis was liable to be counted while calculating his pensionary benefits.

Respondents No.1 to 3 in their written statement averred that the appellant had joined as a Compost inspector on 04.04.1970. Appellant had rendered service with the said respondents upto 31.01.1999 and had retired on attaining the age of 58 years. Appellant had rendered 28 years, 11 months and 27 days service with respondents No.1 to 3. There was no entry in the service book of the appellant qua any service rendered by him prior to 04.02.1970.

Respondent No.4 in its written statement admitted that appellant had worked in a Government School at Joga from 26.09.1962 to 13.09.1963 on temporary basis.

Respondent No.5 in its written statement admitted that the appellant had worked as a Teacher in Government Primary School, Tandian from 12.03.1963 to 13.06.1963 on temporary basis.

Respondent No.6 in its written statement averred that Haryana Agriculture University came into existence in February 1970 and there was no record available with it qua the claim of the appellant that he had rendered service as Agriculture Inspector under Haryana Agriculture University w.e.f. 14.10.1964 to 02.02.1970.

On the pleadings of the parties, following issues

were framed by the trial Court:-

- “1. Whether the plaintiff rendered his service and worked as teacher from 26.09.1962 to 13.02.1963 and 12.03.1963 to 03.06.1963 on temporary basis and from 14.10.1964 to 02.02.1970 as agricultural sub inspector?OPP
2. If the issue No.1 is proved whether the plaintiff is entitled to count his service for consequential benefits and pensionary benefits along with the interest, if so at what rate?OPP
3. Whether the suit is bad for mis-joinder and non-joinder of necessary parties, if so its effect?OPD
4. Whether the claim of the plaintiff is hit by rule 3.17 A of the Punjab Civil Services Rule?OPD
5. Relief.”

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 08.01.2011 dismissed the suit of the appellant-plaintiff. The said judgment/decreed passed by the trial Court were upheld by the First Appellate Court vide judgment/decreed dated 24.01.2012 in an appeal filed by the appellant-plaintiff. Hence, the present appeal by the appellant-plaintiff.

I have heard learned counsel for the appellant and have gone through the record available on the file carefully.

The Courts below after appreciating the evidence on record held that so far as the service rendered by the appellant at Government School, Joga and Government

Primary School, Tandian from 26.09.1962 to 13.02.1963 and 12.03.1963 to 03.06.1963 respectively, is concerned, the same was admitted by respondents No.4 and 5. However, appellant had failed to establish that he had rendered service with CCS Agriculture University, Haryana from 14.10.1964 to 02.02.1970. Appellant had been unable to produce any record in this regard. Respondent No.6 in its written statement had stated that the plea taken by the appellant that he had rendered service from 14.10.1964 to 02.02.1970 as Agriculture Inspector under Economic Botanist Fodder could not be verified as no record was available with the Agriculture University, Hisar. Moreover, there was no material on record to establish that the appellant had taken permission from respondent-defendant No.6 to enable him to join the services of respondents No.1 to 3 or that he had applied through proper channel. In these circumstances, the Courts below rightly came to the conclusion that the appellant was not entitled to the relief claimed by him.

No substantial question of law arises in this case warranting interference by this Court.

Dismissed.

**(SABINA)
JUDGE**

January 08, 2016
mahavir