

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

LPA No. 270 of 2016(O&M)

Date of Decision: February 23 , 2016.

State of Haryana and others

..... APPELLANT (s)

Versus

Ishwar Singh

..... RESPONDENT (s)

**CORAM:- HON'BLE MR.JUSTICE RAJIVE BHALLA
HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Anil Mehta, DAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reports or not?
3. Whether the judgment should be reported in the digest?

RAJIVE BHALLA, J.

CM No.561-LPA of 2016

Prayer in this application is to condone delay of 123 days in filing the appeal.

Heard.

For reasons stated in the application and arguments addressed, the application is allowed and delay of 123 days in filing the appeal is condoned.

LPA No.270 of 2016

The State of Haryana challenges order dated 03.09.2015 allowing the writ petition filed by respondent No.1.

Counsel for the State of Haryana submits that as the petitioner did not take permission while applying for the post of SS Master in the Education Department, he is not entitled to consider his service in the judicial department while calculating retiral benefits. The impugned order has ignored this fact and, therefore, may be set aside.

We have heard counsel for the appellant but are not inclined to grant any relief. The respondent's prayer for a direction to count service rendered in the judicial department for the purpose of the length of service for computing retiral benefits has been rightly allowed. It is not denied that the appointment of respondent No.1 as SS Master in the Education Department was in accordance with the prescribed rules and regulations. At no stage was his appointment held to be illegal or irregular for violation of any provision of the rules or regulations. Even the District and Sessions Judge, Rohtak has not raised any objection regarding respondent No.1 leaving service. Thus, the impugned order directing that service rendered in the judicial department be counted towards length of service cannot be faulted.

Consequently, finding no merit in the appeal or error in the impugned order granting the benefit of service rendered by respondent No.1 in the judicial department from 12.09.1981 to 15.01.1987 towards

calculation of retiral benefits as provided in Rule 4.19(b) read with Rule 4.23 of the Punjab Civil Services Rules Vol.II, we dismiss the appeal.

**(RAJIVE BHALLA)
JUDGE**

February 23 , 2016.
'om'

**(LISA GILL)
JUDGE**