

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.629 of 2016 (O&M)

Date of Decision: August 09, 2016

Avtar Singh

.....Appellant

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE GURMIT RAM.**

Present: Mr.Amit Chopra, Advocate, for the appellant.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The order rejecting the appellant's claim for pensionary benefits has been upheld by learned Single Judge, hence this intra-court appeal.

The facts, as such, are not in dispute. The appellant joined as S.S.Master in a Government Aided School on 01.06.1964. He was thereafter appointed as Headmaster on 21.09.1977 and held that post till 30.04.1990. The appellant proceeded on sanctioned leave from 03.05.1990 to 03.11.1990 and again till 07.08.1991 as he had gone abroad. He again sought extension in leave till 07.08.1992. While he was on ex-India leave, the school was taken over by the State Government by way of a Gift Deed w.e.f. 19.08.1991. The teachers/staff who opted to be absorbed in Government service were taken into government service subject to the condition that they were working at the time of taking over the school. The

appellant's name obviously did not figure in the list of working staff. He approached this Court in the year 1994 only, seeking his absorption in Government service but his writ petition was dismissed.

Thereafter, the appellant filed the instant writ petition claiming pensionary benefits which has been turned down by learned Single Judge with the finding that he had given option for the contributory provident fund and withdrew the entire CPF amount including the employer's share on 10.01.2005.

We have heard learned counsel for the appellant at a considerable length and gone through the record.

No error has been pointed in the order passed by learned Single Judge, for the appellant himself consciously opted for Contributory Provident Fund Scheme and withdrew the entire amount including the employer's share. He never opted for the pension scheme. What it appears is that the appellant has changed his thoughts and now wants to opt for pension scheme which might be more beneficial. He remained on ex-India leave and/or absent from the School as he is settled abroad. He can not keep on changing options at his sweet will only for more financial benefits.

No case to interfere with the order under appeal is made out.

Dismissed.

[SURYA KANT]
JUDGE

August 09, 2016
mohinder

[GURMIT RAM]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

CM No.1306 of 2016 in
LPA No.629 of 2016

Avtar Singh - - - State of Punjab and others
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Present : Mr.Amit Chopra, Advocate,
 for the applicant-appellant.
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For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and 24 days' delay in filing the appeal
is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

August 09, 2016
mohinder

(GURMIT RAM)
JUDGE