

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCN No. 2846 of 2016

Date of decision : 25.07.2017

Khazan Singh

...Petitioner

V/s

Dipinder Singh

...Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Bikramjit Singh Patwalia, Advocate for the petitioner.
Mr. Vikas Mohan Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioner alleges violation of order dated 12.08.2016 passed by writ court. Operative party thereof reads as under:-

The respondents have relied upon Rule 2 (k) of the Punjab Panchayat Samiti and Zila Parishad Employee Pension and Provident Fund Rules, 2000, wherein the adhoc service is only to be counted from the date the contribution from CPF commenced. The matter came up for consideration before this Court in Sita Devi w/o Manohar Lal Versus State of Punjab and others, 2016 (1) SCT 69, wherein the rule was interpreted and following operative order was passed :-

“15. In view of the facts as well as law position as discussed above, the present petition is allowed and the petitioner is held entitled for counting of her entire service as qualifying service for the purpose of pension. However, the Contributory

Provident Fund of that period will be adjusted and deducted from the arrears of her pension.”

The petitioner is also entitled to similar benefit. Accordingly, the present writ petition is decided in terms of the authority of this Court in Sita Devi's case (supra), subject to the same conditions, as imposed in the said authority. The present writ petition is accordingly allowed. The matter be decided within two months from the date of receipt of copy of this order, as directed in Sita Devi's case (supra).

Learned State counsel submits that needful shall be done at the earliest, in any case not later than two months.

In view of statement made by him, no further direction is necessary. Petition is disposed of.

Petitioner shall, however, be at liberty to seek revival of the petition in case any cause of action survives. In such eventuality, this court shall consider imposition of exemplary costs.

July 25, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No