

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.36 of 2017

Date of Decision:-03.05.2017

Bhim Singh.

.....Petitioner.

Versus

**Sh. R.S. Kharb, IAS, The Director General, Elementary Education,
Haryana.**

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. B.S. Rathee, Advocate for the Petitioner.

Mr. Sidharth Sanwaria, Deputy Advocate General, Haryana.

JASWANT SINGH, J (ORAL)

Petitioner joined as Maths Master with the Education Department, Haryana w.e.f 31.12.1986. He is stated to have retired on attaining the age of superannuation w.e.f. 30.09.2006. His claim for counting of his previous service as SS Master w.e.f. 6.7.1979 to 30.12.1986 rendered with the privately managed aided school i.e. Jat H.M.A.S. High School, Rohtak towards counting of pensionary and retiral benefits was allowed vide order dated 5.8.2016 passed by the learned Single Judge of this Court in CWP No.16824 of 2013 filed by the petitioner. The judgment was passed in terms of the previous judgment dated 22.07.2009 rendered in CWP No.16817 of 2007. Since the needful was not done within time hence the present contempt petition.

Upon notice, affidavit dated 20.04.2017 of Ms. Garima Mittal, Director Elementary Education, Haryana has been filed wherein para 3 & 4 reads as under:-

*“ That on joining new assignment, it has been found that the claim of the petitioner to count his previous service i.e. 6.7.1979 to 30.12.1986 rendered at Jat H.M.A.S. High School, Rohtak, a Govt. Aided School has been considered and a sanction to count this service towards pensionary benefit has already been accorded vide this Directorate order no.17/81-2013 HRM-II (5) dated 13.01.2017, a copy of which is annexed as Annexure R-1. The pension case of the petitioner has already been revised and submitted to office of Principal Accountant General (A&E) Haryana, Chandigarh by the Principal GGSSS Kilo District Rohtak vide Case No.Spl.1 dated 31.03.2017 copy of which is annexed as **Annexure R-2 & its true translation as annexure R-2/T**. The payment of arrears of pension and interest thereon @ 6% per annum would be decided and paid only after getting sanction of revised pension from office of Principal Accountant General (A&E), Haryana, Chandigarh.*

That the delay in according sanction in favour of petitioner has occurred due to consideration of subscriptions of Contributory Provident Fund on which basis the specific pension to employees rendering service in Privately Managed Govt. Aided School has been maintained. Now, the judgment dated 5.8.2016 has been complied with but with uncountable delay. This delay is procedural one and not intentional one which is regretted. ”

Learned Counsel for the respondent points out that the petitioner is yet to deposit the subscriptions of the amount of Contributory Provident fund paid to the petitioner for his previous employment. He however, concedes that after deducting the due amount, the necessary

payment shall be made.

In view of the above, no further action is warranted.

Dismissed as infructuous.

(JASWANT SINGH)
JUDGE

May 03, 2017

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>