

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4927-1999 (O&M)

Date of decision: 06.03.2017

Ram Parkash Chawla

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Ravinder Malik (Ravi), Advocate for the petitioner
Mr.Naveen Sheoran, DAG Haryana
Mr.Namit Gautam, Advocate for the respondent No.3

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Petitioner claims that he rendered service as Sanitary Inspector in Primary Health Centre Nahar, District Rohtak now District Rewari from 8.9.1962 to 3.5.1963 as per certificate dated 29.1.1996 (Annexure P1). Thereafter, he rendered service from 4.6.1963 to 28.9.1964 as Sanitary Inspector in Municipal Committee, Sirsa as per certificate dated 13.8.1965 (Annexure P2). Then he was appointed as Sanitary Inspector in Municipal Committee, Hansi and worked there from 14.10.1964 to 13.8.1967 when his services were terminated. It also comes out that in pursuance to the advertisement issued in the newspaper, the petitioner was again appointed as Sanitary Inspector by the Municipal Committee, Hansi on 27.11.1967 and he joined on 28.11.1967. Petitioner retired from the service on 31.12.1994. This petition was filed in April 1999 i.e. nearly after 4 ½ years of his retirement, claiming that his previous service in "Primary Health Centre,

Nahar”, “Municipal Committee, Sirsa” and “Municipal Committee, Hansi” should be counted towards the pensionary benefits.

It comes out that except the certificates Annexure P1 and P2 regarding service at Primary Health Centre, Nahar and Municipal Committee, Sirsa, there is nothing on file to show as on which terms, the petitioner was appointed and how he was terminated/ left service. Appointment letter regarding his service in Municipal Committee Hansi on 14.10.1964 is not on file to show as to how the Municipal Committee was competent to appoint him. The termination order is also not on file to show as to on which grounds the services of the petitioner were terminated. The respondents have already taken a stand that the petitioner has made a representation on 20.5.1968 (Annexure R-3/1) to treat the period of break as leave without pay and treat it as continuation of service. The same was rejected vide resolution No.8 dated 14.7.1968. The said resolution has not been challenged. Now, almost more than four decades have elapsed.

After going through the file, I am of the view that the present case requires establishing of the facts by leading evidence, which cannot be done in exercise of writ jurisdiction. Therefore, the petitioner is relegated to avail remedy before the Civil Court subject to law of land.

With these observations, the present writ petition stands disposed of.

06.03.2017

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No