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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No. 20105 of 2012  
Date of Decision: 19.01.2017

**BANT SINGH**

**... Petitioner**

VS.

**STATE OF PUNJAB AND OTHERS**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Gurbachan Singh, Advocate,  
for the petitioner.

Mr. Anshul Gupta, AAG, Punjab.

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**KULDIP SINGH, J. (Oral)**

Brief facts of this case are that the petitioner was appointed As Part Time Sweeper in Government Primary School Ajmer, Block Khamano, District Fatehgarh Sahib on 13.10.1988.

It comes out that the petitioner earlier had filed a writ petition before this Court bearing CWP No. 8069 of 2003 for regularization of services and the same was decided on 24.05.2003. In pursuance of the said order, the Screening Committee considered the case of the petitioner and rejected the same in the year 2004. However, the petitioner moved this Court vide COCP No. 1010 of 2005 in which the respondents were proved guilty of the contempt of the Court. Thereafter, the Screening Committee was reconvened, which regularised the services of the petitioner with immediate effect. Consequently, order dated 07.11.2005 (Annexure P-2) was issued. In terms of one of the condition No. 15 of the said order, the petitioner was covered under the New Contributory Pension Scheme of the Punjab Government. The said order dated 07.11.2005 (Annexure P-2) was never challenged by the petitioner.

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Now, the petitioner has retired from service w.e.f. 30.06.2009 and his claim in the present writ petition is that his Part Time service should be computed as a qualifying service for grant of pension after quashing the speaking order dated 30.08.2012 (Annexure P-8) vide which the same was declined.

The State in the reply has taken the plea that there was specific condition in the order of regularization dated 07.11.2005 (Annexure P-2) that he will be covered under New Contributory Pension Scheme. This order was never challenged. The services of the petitioner was regularized after 01.01.2004, therefore, he is not covered under the old pension scheme. The CPF amount has already been disbursed to the petitioner. Therefore, petitioner is not entitled for counting of his Part Time service for the purpose of pension which is otherwise not admissible to him.

I have heard learned counsel for both the parties and carefully gone through the case file.

Learned counsel for the petitioner has relied upon the judgements of this Court and (Annexure P-5, P6 and P-9). The judgements dated 13.10.2010 and 20.12.2010 (Annexure P-5 and P-6 respectively) passed by this Court shows that these were regarding the Bank where the civil services rules are not applicable. Therefore, the said judgments are not attracted in the present petition. In the judgment dated 17.02.2012 (Annexure P-7) passed by the single bench of this Court is also not attracted in the present petition, which is regarding the family pension. In this case Rule 3.17 (A) of the Punjab Civil Services Rules was never considered nor was it ever held that the deceased employee was granted the pension. It was the case where the family pension was released but later on stopped.

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Therefore, none of the judgements are applicable to the facts of the present case under the rules 3.17 (A) of the Punjab Civil Services Rules, Volume II, the part time service is not to be computed towards pensionary benefits. Moreover, as per the terms and conditions of the regularization order, the petitioner is to be covered by CPF. The said order of regularization was never challenged.

It being so services of the petitioner as a part time sweeper cannot be computed for grant of pensionary benefits.

In view of the above, the present petition stands dismissed.

January 19, 2017  
Suresh Kumar

[ KULDIP SINGH]  
JUDGE

|                                    |   |                             |   |                            |
|------------------------------------|---|-----------------------------|---|----------------------------|
| <i>Whether speaking / reasoned</i> | : | <div>✓<br/><i>Yes</i></div> | / | <div><i>No</i></div>       |
| <i>Whether Reportable</i>          | : | <div><i>Yes</i></div>       | / | <div>✓<br/><i>No</i></div> |