

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.18352 of 2013 (O&M)

Date of Decision:23.02.2017

Parmal Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Kartar Singh Malik-I, Advocate for the petitioner.

Mr. Harish Rathee, Sr. D.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, the petitioner has sought for direction to the respondents to count the service from 28.12.1983 to 19.1.1989 for the purpose of extending the benefit of retiral benefits alongwith interest @ 24% per annum.

The petitioner is stated to have been appointed as a Language Teacher during the period from 1983 to 1986. Further he was appointed to the post of S.S. Master during the period from 1986 to 1989. Thereafter he was appointed as a Hindi Lecturer on 20.1.1989. In this background, he is seeking for direction to count the service rendered in the post of Language Teacher and S.S. Master. He relied on decisions of this Court passed in **Rajinder Singh v. State of Punjab**; 2001 (2) S.C.T. 244 and **Shanno Devi v. State of Haryana and others**; 2013 (2) RSJ 426 wherein this Court while incorporating Rule 3.17 of Punjab Civil Services Rules Vol-II, it is held that past service rendered against that post is countable for the purpose of retiral benefits while excluding contract service, if any. Therefore, the case of the petitioner is identical to the above cited cases.

On the other hand, learned counsel for the respondents-State pointed out from the written statement in particularly Annexure R-1 which is an extract of service record of the petitioner wherein it has been recorded that petitioner's services have been terminated on 28.1.1986 and thereafter he was reinstated and he has resigned the post on 19.1.1989 in order to take new appointment. In view of these facts and circumstances, the petitioner is not entitled for counting the service rendered during the period from 28.12.1983 to 19.1.1989.

Heard learned counsel for the parties.

Short question for consideration in the present petition is whether the petitioner is entitled for counting the service rendered as a Language Teacher and S.S. Master during the period from 1983 to 1989 or not?

It is undisputed that the petitioner's services have been terminated on 28.1.1986 and further he has resigned the job on 19.1.1989. In view of these factual aspect, the cited decisions are not applicable for the reasons that in those cases petitioners therein were not terminated and resigned the job. Therefore, the petitioner has not made out a case so as to seek direction to count the service rendered by him against the post of Language Teacher and S.S. Master during the period from 1983 to 1989.

Accordingly, petition stands dismissed.

23.02.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No