

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

CWP No.10879 of 2017 (O&M)

Date of decision : May 19, 2017

Rishipal Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.M. Bhatia, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner belongs to reserved category i.e. scheduled caste category and was appointed as Seed Production Assistant. On 06.02.2001, vide Annexure P-5, the services of the petitioner were retrenched w.e.f. 07.02.2001. The petitioner filed a reference before the Labour Court at Jalandhar. However, the petitioner was given fresh appointment on 20.04.2005. He withdrew the reference from the Labour Court at Jalandhar. The petitioner retired from service on 31.12.2014.

Now, the petitioner wants that the period, he remained out of service i.e. 07.02.2001 to 20.04.2005 should be counted as qualifying service for the purpose of pensionary benefits.

Heard.

A perusal of the fresh appointment letter dated 20.04.2005 (Annexure P-13) shows that it was a fresh appointment. The petitioner never objected to the terms and conditions of the appointment letter. He continued to work for nearly more than nine years. Thereafter, he did not challenge the

terms and conditions of the said appointment letter. The reference made by

the petitioner, questioning the retrenchment of the petitioner before the Labour Court was withdrawn. In this way, the gap during which the petitioner remained out of service i.e. from 07.02.2001 to 20.04.2005 cannot be treated as qualifying service for the purpose of retiral/pensionary benefits.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

May 19, 2017

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Whether speaking / reasoned Yes

Whether Reportable: No