

CWP-20995-2013 (O&M)

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

CWP-20995-2013 (O&M)

Date of Decision : 19.05.2017

Sanjeev Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Anurag Goyal, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has claimed that action of the respondent in treating him to be covered under New Pension Scheme is illegal.

Brief facts of the case are that the petitioner was employed in the Chaudhary Charan Singh Haryana Agriculture University, Hisar in the year 1995 on ad-hoc basis and his services were regularised with effect from 1.10.2003. By order dated 29.06.2005 the Vice Chancellor of the Chaudhary Charan Singh Haryana Agriculture University counted his ad hoc service for the purpose of pension since that had been followed by uninterrupted regular service. Haryana Staff Selection Commission invited applications for the post of Veterinary and Livestock Development Assistnat, the petitioner applied for the same through proper channel and was selected and appointed on 14.6.2006. However after the new joining

the petitioner was not allowed to maintain his old GPF account and was informed that he would be covered under New Pension Scheme. Hence this petition.

Learned counsel for the petitioner primarily relied upon Annexure P-14 which is a letter written by The Financial Commissioner and Principal Secretary to Government, Haryana, Finance Department on 12.10.2010 whereby it was clarified that those employees who were working in State Autonomous Body/Statutory Body prior to the introduction to the New Pension Scheme were thereafter would continue by the old pension scheme. In the written statement the plea which had been taken stipulates that the benefit of this letter would be applied only to those employees who were covered by pension and would not be available to those employees who were not covered by pension scheme. It was further averred that the post on which the petitioner has been working in the Chaudhary Charan Singh Haryana Agriculture University was a non-pensionable.

This fact is belied from the Annexure P-11 whereby the University transmitted the pro-rata pension for the period the petitioner served there to the respondent No. 4. Moreover in the written statement filed by the University it has been clarified that job which the petitioner is doing in the University was pensionable. In the circumstances, the ground taken for rejection of the claim of the petitioner is fallacious.

Consequently, the petition is allowed and the respondents are directed to permit the petitioner to continue his GPF number and treat his pension under old pension scheme with effect from the due date. Counsel for the

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petitioner prays that he may be given a period of 3 months to make the deposit in GPF account from 14.6.2006 because a period of 11 years has passed. This prayer is also allowed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

May 19, 2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No