

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

CWP No.24749 of 2014
Date of Decision: 06.12.2017

Hans Raj Soni

.....PETITIONER

Vs.

**Chaudhary Charan Singh Haryana Agricultural
University, Hisar and others**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr.Gunjan Mehta, Advocate for the petitioner.

Mr.Aman Pal, Advocate for respondents No. 1 and 2.

Mr.Anurag Goyal, Advocate for respondent no.3.

JASPAL SINGH J. (ORAL)

By virtue of the instant writ petition filed under article 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of mandamus directing the respondent CCS-H.A.U. Hisar to calculate the pro-rata amount/contribution of Gratuity for the period from 16.01.1973 to 04.05.1977 when the petitioner served the respondent CCS-H.A.U. Hisar, and send intimation thereof to the Maharshi Dayanand University, Rohtak from where he superannuated for the purpose of calculating the payment of gratuity by counting his service.

In response to the notice of motion issued by this Court, written statement on behalf of respondents No. 1 and 2, through Er. Mela Ram, Executive Engineer(Public Health), CCS HAU, Hisar, was filed.

A glance at the aforesaid written statement makes it crystal clear that as per Gratuity Rule 6.16 of CSR Vol. II, an employee is entitled for gratuity after

completion of five years of qualifying service and in the case in hand, the petitioner does not fulfill the said condition. In fact the petitioner-Hans Raj Soni, served respondents No. 1 and 2 from 15.01.1973 to 04.05.1977 i.e. 04 years 03 months 18 days only which is considerably less than five years.

In view of the above, the petitioner does not fulfill the said condition, As such, the petitioner is not entitled to the gratuity claimed by him through the instant petition.

Dismissed.

(JASPAL SINGH)
JUDGE

06.12.2017

Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No