

CWP No.21831 of 2017

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

CWP No.21831 of 2017

DECIDED ON: SEPTEMBER 25, 2017

RAM NATH

.....PETITIONER..

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rajesh K. Kataria, Advocate,
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of certiorari for quashing the impugned action of the respondent authorities in not granting the benefit of past service rendered in the Haryana State Minor Irrigation Tubewells Corporation (since the date of initial appointment i.e. 02.09.1974 to the date of absorption in Haryana State Agricultural Marketing Board i.e. 23.09.1992), toward pay/pension/retiral benefits as the similar benefit has already been granted by various Departments of State of Haryana including respondent-department No.2, to other similarly situated employees vide separate orders either in pursuance of orders passed by this Court and Hon'ble Supreme Court. AND further directing the respondent to grant the benefit of past service rendered in Haryana State Minor Irrigation Tubewells Corporation (from 02.09.1974 to 23.09.1992) after calculating the same towards pay/pension/retiral benefits with interest @ 18% per annum as

same benefit already been granted to other similarly situated employees in compliance of various judgments passed by this Court.

2. At the very outset of the arguments, learned counsel for the petitioner submits that though representation dated 08.08.2017 (Annexure P-20) was moved to the respondents but till date no conscious decision has been taken. He submits that petitioner feels satisfied in case direction is issued to respondent(s) to decide aforesaid representation, within a stipulated period.

3. Instant petition is disposed of with a direction to respondent(s) to look into the grievances unfolded by the petitioner in his representation dated 08.08.2017 (Annexure P-20) and to decide the same as per Rules and Regulations as well as in the light of judgments passed by this Court in CWP No.3792 of 2012, titled as ***“Suresh Chand and others v. State of Haryana and others”***, decided on 14.01.2016 (Annexure P-13), LPA No.1805 of 2016, titled as ***“Haryana State Agricultural Marketing Board and another v. Prem Parkash Gupta and others”*** decided on 05.10.2016 (Annexure P-14) and judgment passed by Hon'ble Supreme Court in case, captioned as ***“Haryana State Agricultural Marketing Board and Another vs. Suresh Chand and others”*** (Annexure P-15), which as per the version of learned counsel for the petitioner, attained finality; within a period of three months from the date of receipt of certified copy of this order. However, relief shall stand restricted to 38 months in view of Full Bench judgment of this Court in ***“Saroj Kumari v. State of Punjab and others”, 1998(3) SCT 664.***

4. As far as grant of interest on delayed payment is concerned that shall also be considered in view of the observations made by Full Bench of this

Court in case captioned as ***“R.S. Randhawa vs. State of Punjab, 1997 (3)***

RSJ 318.

7. However, if the petitioner still feels aggrieved of the order passed by the concerned authority, he shall be at liberty to approach this Court.

SEPTEMBER 25, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes/No*