

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 7536 of 2013 (O/M)
Date of decision : 21.3.2017

Avtar Singh Petitioner (s)

Versus

State of Punjab and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.K. Rattan, Advocate, for the petitioner.

Mr. Nikhil Chopra, Additional Advocate General, Punjab.

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 ?

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KULDIP SINGH J. (ORAL)

The learned counsel for respondents has placed on file the photocopy of order dated 17.3.2017, passed by the Director of Public Instructions (S.E.), Punjab, vide which the previous service of the petitioner from 4.6.1981 to 31.12.1989 in the Transport Department, Punjab, has been ordered to be treated as a qualifying service for the purpose of computing the retiral benefits. Accordingly, the pensionary benefits are ordered to be re-calculated and revised.

The prayer of the learned counsel for the petitioner is that earlier the petitioner had approached this Court by way of filing CWP-1828-2012, titled as Avtar Singh Versus State of Punjab and others, which was disposed of with a direction to respondents to decide his legal notice dated 22.11.2011, within six months from the date of receipt of certified copy of the order, by passing a speaking order, vide order dated 1.2.2012

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(Annexure-P-3). Thereafter, the speaking order dated 25.1.2013 (Annexure-P-4) was passed by the District Education Officer (SE), Hoshiarpur, whereby his claim to compute the previous service in the Transport Department, Punjab, was denied. Thereafter, the petitioner has filed the present writ petition and during the pendency of the present writ petition, the said order has been passed on 17.3.2017. Therefore, the petitioner claims interest on the same.

I am of the view that it is not a case where the arrears have been delayed. It is a case for computing the previous service of the petitioner which previously the department has refused to compute by passing a speaking order dated 25.1.2013 (Annexure-P-4), which is under challenge. Now, they have revised their order and allowed the benefit of previous service rendered in the Transport Department, Punjab. It being so, no interest on the pensionary benefits is to be allowed. Respondents are directed to comply with their order dated 17.3.2017, within the time frame given in the said order.

In view of the matter, the present writ petition is disposed of.

(KULDIP SINGH)
JUDGE

21.3.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No