

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

CWP No.7991 of 2013

Date of Decision:19.12.2017

Balbir Singh

... Petitioner

Vs.

Union of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Nikhil Anand, Advocate for the petitioner.

Mr. Arun Gosain, Advocate for the respondents.

P.B. BAJANTHRI J. (Oral)

The petitioner has prayed for the following relief:

*“(i) Summoning the records of the case;
(ii) directing the respondents to grant service pension to the petitioner at par with and equally with other personnel of the respondent department who prematurely took voluntary retirement from service after having rendered over 10 years of service prior to the year 1995 alongwith grant of all arrears and other consequential benefits as entitled to the petitioner;
(iii) and further, for the issuance of a writ in the nature of mandamus or any other suitable writ order or direction directing the respondent to consider the case of the petitioner for any other entitled pension like compensation pension/ compulsory retirement pension or the pension in consonance with Rule 49 of Central Civil Services (Pension) Rules, 1972;”*

In support of petitioner prayer to the extent that he is entitled to pensionary benefits, he is not relying on any regulations or rules. Whereas on the contrary Central Civil Services (Pension Rules) 1972 provides for minimum 20 years of service is required for extending the pensionary benefits. Whereas petitioner has rendered only 10 years and 11 months.

Therefore, matter is not covered by the Central Civil Services (Pension

Rules), 1972.

Accordingly, petition stands dismissed. Reserving liberty to the petitioner to rely on particular statutory regulation or rules under which if BSF employee has rendered 10 years and 11 months of service, he is entitled to retiral benefits including pension. If any such application or representation is submitted within 8 weeks from today. In such circumstances, respondent-authority may look into and pass speaking order and communicate to the petitioner.

19.12.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No