

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

246

**CWP-5959-2016
Decided on 17.01.2017**

PARVEEN SANGWAN**....PETITIONER****VS****STATE OF HARYANA****....RESPONDENT****CORAM: HON'BLE MR. JUSTICE AJAY TEWARI**

Present: Mr. D.S.Rawat, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G. Haryana.

AJAY TEWARI, J.(Oral)

The petitioner had been appointed as Data Entry operator on regular basis in Haryana Land Reclamation and Development Corporation Limited, Chandigarh on 05.02.1995 and was promoted as Computer Programmer on 10.07.2003. On 09.05.2006, the Commissioner and Director General, School Education Haryana issued a circular to all the Head of the Departments and all Managing Directors of all Board and Corporations of Haryana for filling up one post of Assitant Director (IT Education) by way of deputation/transfer basis. The petitioner applied through proper channel and vide order dated 04.06.2007 was appointed as Assistant Director with the respondent department. Admittedly at that time there was a policy of Haryana Government to enable the persons like the petitioner who were earlier in non-pensionable jobs to opt for pension by depositing the amount of their share of Contribution Provident Fund along with interest with the Government Exchequer.

As per the written statement, the petitioner had to exercise this

option and make this deposit within the period of 06 months and his inaction in this regard as per written statement has rendered him ineligible for now claiming the benefit of pension.

Learned counsel for the petitioner has relied upon the judgment passed by this Court in Civil Writ Petition No.24370 of 2012 Court in the matter of **Mahavir Yadav vs. State of Haryana and others** wherein this Court held as follows:-

“In the light of the fact that the respondents, on principles, are not disputing the fact that the petitioner would be entitled to the benefit of the counting prior service rendered by him in the HMITC for the purpose of grant of pensionary benefits. However, the only objection which has been raised with regard to his non giving of option within the time stipulated and non depositing the employer's share of Contribution Provident Fund.

This issue may not detain for long for the simple reason that the petitioner is ready and willing to deposit the full amount of employer's share of Contribution Provident Fund alongwith interest which he has received from the old organization. If he does the same, the benefit should be granted to him for the purpose of grant of pensionary benefits by counting the service rendered by him in HMITC.

Counsel for the petitioner also relied upon the judgment passed on 13.05.2015 in the matter of **Ashok Kumar vs. State of Haryana in CWP No. 8034-2012** where in also the same has been held.

Learned Addl. A.G is not in a position to cite any contrary judgment.

In these circumstances, the petition is allowed. It is directed
in case the petitioner now deposits the entire amount of Contribution
Provident Fund alongwith interest with the State Exchequer within 02
months he would be entitled for pension on retirement.

17.01.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No