

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 6861 of 2016 (O&M)

Date of Decision: 24.05.2017

YASH KUMARI

... Petitioner

V/s

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. Nikhil Chopra, Addl. A.G., Punjab

KULDIP SINGH, J. (Oral)

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India praying for issuance of writ of Certiorari for setting aside the order dated 11.01.2016 (*Annexure P-11*) vide which the claim of the petitioner for counting of the service rendered by her as teacher under Government of Himachal Pradesh for the purpose of pensionary benefits has been declined. The prayer has also been made for issuance of writ in the nature of mandamus for directing respondents to revise the pension of the petitioner after counting of the service rendered by her as teacher under Government of Himachal Pradesh, alongwith interest.

I have heard the learned counsel for both the parties and have carefully gone through the case file.

The short reply filed by the respondents No. 1 to 4 shows that they have taken the following stand: -

“That it is respectfully submitted that in view of the instructions dated 20.02.1986 (Annexure P-12) issued by the State of Punjab and instructions dated 06.01.1986 (Annexure P-13) issued by the State of Himachal Pradesh, the claim of the petitioner has been re-considered. On re-consideration of the matter, in supersession of earlier order dated 11.01.2016 (Annexure P-11) it has been decided that service rendered by the petitioner in the State of Himachal Pradesh for the period from

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10.07.1970 to 11.05.1976 prior to being inducted into the affairs of State of Punjab shall be treated as Qualifying Service for the purpose of computing her retiral benefits subject to certain conditions. Necessary orders to this effect have been passed and issued vide No. 9/247-2015 Establishment-3(1)2473 dated 22.08.2016 a copy of which is being appended as (Annexure R-1) hereto for the kind perusal of this Hon'ble Court. Vide the said order, it has also been ordered that the concerned Drawing and Disbursing Officer shall get revised pensionary benefits of the petitioner from the Accountant General, Punjab, Chandigarh at the earliest."

The perusal of the aforesaid stand of the respondents goes to show that the respondents have admitted the case of the petitioner and they have already issued the office order endorsed on 22.08.2016 (*Annexure R-1*). Now, about nine months have elapsed but the payment has not still been released to the petitioner.

Learned State counsel has stated that Government of Himachal Pradesh is to pay their share as per memo dated 20.03.1986.

In view of the matter, the petition is disposed of with a direction to respondents No. 1 to 4 to count the services of the petitioner rendered as Teacher in Himachal Pradesh and release the retiral benefits in terms of office order endorsed on 22.08.2016 (*Annexure R-1*). Respondents No. 1 to 4 can always take up the matter with the Government of Himachal Pradesh for the share in respect of pensionary benefits of the petitioner.

Respondents are directed to do the needful within maximum of three months from today.

May 24, 2017

Suresh Kumar

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

✓
Yes / No