

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

CWP No.3222 of 2017

Date of decision : February 20, 2017

Pirthi Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Pradeep Sharma, Advocate for the petitioner.

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 ?

KULDIP SINGH J. (ORAL)

Petitioner, who was working as Conductor in Punjab Roadways, Chandigarh, was terminated from service vide order dated 03.02.1984 (Annexure P-2). In the appeal, the appellate authority vide order dated 07.02.1987 endorsed on 22.04.1987 modified the order of termination and ordered to appoint the petitioner on fresh appointment and he was again put on probation for a period of two years.

The petitioner challenged the said order before this Court by way of CWP No.4133 of 1987, which was decided by this Court on 02.07.2003 with a direction to the Department to reconsider the matter.

Accordingly, the order dated 15.06.2012 (Annexure P-7) was passed, in which the Department while taking the compassionate view of the matter, ordered that the period during which the petitioner remained out of service, will be computed as qualifying period for pension only. However, no financial benefits will be available to the petitioner. The said order was never challenged before this Court and has now become final.

The petitioner retired from service on 31.12.2003. Now, he wants that the period during which he remained out of service should be counted as qualifying service for the purpose of granting promotion to him and he should be accordingly promoted to the higher post.

I am of the view that the order dated 15.06.2012 (Annexure P-7) was limited only for the purpose of pension and not for the benefits of promotion. The said order has now become final. Therefore, the period when the petitioner remained out of service cannot be treated as qualifying service for the purpose of granting promotion.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

February 20, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No