

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

**LPA No.1460 of 2017 (O&M)**

**Date of Decision : 11.10.2017**

State of Haryana

....Appellant

Versus

Parveen Sangwan

...Respondent

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER  
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

....

Present : Ms.Kirti Singh, Advocate  
for the appellant.

.....

**MAHESH GROVER, J. (Oral)**

This appeal is directed against the judgment of the learned Single Judge dated 17.01.2017 accepting the writ petition of the present respondent while placing reliance on two precedents of this Court noticed in the impugned judgment i.e. **CWP No.24370 of 2012** (*Mahavir Yadav v. State of Haryana and others*) wherein it has been observed as under :

“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.”

Apart from that reliance was also placed on **CWP No.8034 of 2012** (*Ashok Kumar v. State of Haryana*). In both the afore-cited cases the petitioners therein had failed to give their options for the pensionary scheme but agreed to return the share of Contribution Provident Fund along with interest, in which eventuality they were permitted to switch over. The learned Single Judge has done likewise and we do not find any legal infirmity in the approach of the learned Single Judge where equities have been well balanced and the State's interest well protected. Besides, the appeal is also barred by a delay of 155 days which has been explained away to procedures. We do not intend to condone such lapses in view of the callous nature in which the matter has been dealt with prior to filing of the appeal.

Dismissed.

(MAHESH GROVER)  
JUDGE

11.10.2017  
dss

(RAJ SHEKHAR ATTRI)  
JUDGE

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