

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 661 of 2011**

Dr. Sahab Lal Shrivastava, S/o Asarfi Lal Shrivastava, aged about 70 years, R/o Shriram Bhawan, Near Airtel Tower, Sector 3, Deendayal Upadhyay Nagar, Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Department of Higher Education, Mantralaya, D.K.S. Bhawan, Raipur, Chhattisgarh.
2. Pt. Ravi Shankar Shukla University, Raipur, through the Registrar, Pt. Ravi Shankar Shukla University, Raipur, Chhattisgarh.
3. Commissioner, Higher Education, Directorate of Higher Education, Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Shailendra Shukla, Advocate
For State/respondent	:	Shri Shashank Thakur, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15.03.2018**

1. The present writ petition has been filed by the petitioner seeking for a relevant direction of granting pension and other retiral benefits by taking into account the service rendered by the petitioner at two places prior to joining Pt. Ravi Shankar Shukla, University, Raipur.
2. The contention of the petitioner is that the petitioner was initially appointed as a Lecturer in the Rajasthan University, where he was served between 18.07.1970 to 03.09.1976. Subsequently the petitioner moved an application after being selected as a reader in the Sambalpur University, at Sambalpur, Odissa. That, a no objection certificate of previous employee i.e. Rajasthan University on the post of reader was accepted by the Sambalpur University and where he worked between 06.09.1976 to 29.02.1984. Thereafter, the petitioner applied for the post of Professor at the Pt. Ravi Shankar Shukla, University, Raipur, which too was accepted. On each time there was a no

objection by the previous employer provided on of being selected as a professor in Pt. Ravi Shankar Shukla, University, Raipur. He continued in this establishment till the age of superannuation i.e. 13.01.2002. However, after retirement, the petitioner's retiral dues is being processed only for a period of service rendered by him at Pt. Ravi Shankar Shukla, University, Raipur.

3. It was the claim of the petitioner that his previous service both at Rajasthan University and Sambalpur University be taken into consideration for determining the total length of service for quantification of retiral benefits.
4. The petitioner also has produced an order issued in his favour on 19.08.2008 by the Government of Chhattisgarh, Higher Education Department, whereby the State Government had passed an order granting permission considering the past service rendered at Rajasthan University and Sambalpur University for the purpose of counting length of service for grant of pensionary benefit and gratuity.
5. Subsequently, the University authority had also issued a letter to the petitioner directing him to deposit the amount which he has received from these two respective Universities i.e. Rajasthan University as well as Sambalpur University towards terminal benefits.
6. Pursuant to the order of the Ravishankar Shukla University, the petitioner has deposited the entire amount of Rs.2,60,475/- under the provident fund scheme received from the two universities where the petitioner had discharged his duties before joining at Raipur. That since 2009, the amount is lying with the respondents university at Raipur. The very fact that the Raipur University has already accepted the provident fund due of the petitioner that he had received from the two earlier universities where he had worked. This too establishes that the university as such has accepted the past service of the petitioner rendered at Rajasthan and Sambalpur and have also principally accepted treating that period as qualifying service for counting total length of service. If we take into consideration the order issued by the Government of

Chhattisgarh Higher Education Department dated 19/08/2008 and view it from the angle that the university also had directed the petitioner to deposit the benefits of provident fund that he had received from his two previous employer and which the petitioner had complied with, the obvious inference which could be drawn is that the respondents have principally accepted the services rendered by the petitioner with the previous two employers treating it as qualifying service for counting the total length of service. What also cannot be brushed aside is the fact that there is no break in service between the change of employer so far as the petitioner's case is concerned. Moreover, each time there was a shift in employment the petitioner had taken due permission/sanction of the superior authorities seeking permission for participating in the recruitment process first at Sambalpur on a higher post and thereafter again at Raipur for a still higher post and all of which were accepted by the State Government. That with the permission of the previous employer, the petitioner had joined the subsequent services on being found suitable for the post and now that the State Government as well as university having principally accepted the request of the petitioner for counting the past service for the purpose of calculating the length of service. Under the circumstances this Court has no hesitation in allowing the petition holding that the petitioner is entitled for the retiral due counting his services rendered both at the Rajasthan University and thereafter at Sambalpur also.

7. In the light of the Writ Petition being allowed, the petitioner shall be entitled for entire arrears of pension with interest @ 9% which the petitioner would be entitled for on the counting of his entire service rendered at the three places that is Sambalpur & Raipur.
8. The Writ Petition deserve to be and is accordingly allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge