

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

**CWP No. 19032 of 2011
DECIDED ON: JULY 04, 2018**

KRISHAN KUMAR JINDAL

.....PETITIONER

VERSUS

PUNJAB STATE ELECTRICITY BOARD AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Robin Dutt, Advocate
 for the petitioner.

 Mr. Balwinder Kumar Jolly, Advocate
 for respondents No.1 to 5.

 Mr. Sanjeev K. Sharma, Advocate
 Mr. Kuldeep Tiwari, Advocate
 for respondent No.6.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of certiorari to quash the order passed by Director Administration (P-5) whereby, his claim for counting his previous service rendered by him in Beas Satluj Link Project, Sundernagar as Sectional Officer (Electrical) w.e.f. 22.05.1973 to 31.10.1978 prior to his joining in Punjab State Electricity Board now Punjab State Power

Corporation Ltd; has been declined

2. Undisputably, petitioner served with respondent No.6 w.e.f 22.05.1973 to 31.10.1978 as Sectional Officer (Electrical) and subsequent thereto, he resigned from the said post enabling him to join erstwhile Punjab State Electricity Board now Punjab State Power Corporation Ltd as a Junior Engineer (Line Superintendent) and joined as such on 06.11.1978. Subsequent, on attaining the age of superannuation he stood retired on 31.12.2008. He made number of requests to the respondents and also served a legal notice upon the respondents. When no action was taken, petitioner was constrained to knock the doors of this Court by way of filing of CWP No. 8143 of 2011, which was disposed of by this Court vide order dated 09.05.2011 with a direction to respondents to consider the claim of the petitioner and take a conscious decision. It was only thereafter, in pursuance of said order, impugned order dated Nil (P-5) passed whereby, the claim of the petitioner for counting of his previous service towards pensionary benefits was declined.

3. The contention of learned counsel for the petitioner is that the controversy involved in the instant case is no more *res-integra*, as it already stood decided by this Court while rendering judgment in **R.P. Singla vs. State of Punjab and another; 2002 (3) RSJ 504** and the afore-said judgment was subsequently relied upon by Hon'ble Division Bench of this Court while disposing of CWP No. 6680 of 2005, captioned as **S.C. Kapuria vs. Punjab State Electricity Board & others;** decided on 03.05.2007. On the basis of the observations made in the afore-said judgments, petitioner is entitled to the relief claimed by him for counting of his previous service rendered by him with

respondent No.6 towards pensionary benefits.

4. Similar observation was also made by this Court while disposing of CWP No. 11839 of 2000, captioned as *Er. C.L. Malhotra vs. The State of Punjab and others;* decided on 12.07.2001, CWP No. 4007 of 1999, captioned as *Sh. Gurbax Singh vs. Union of India and others;* and CWP No. 10826 of 1999, captioned as *The Sports Authority of India vs. Sh. Gurbax Singh and others;* decided on 26.05.2000.

5. On the other hand, learned counsel for the respondents could not put forth any arguments to defeat the claim of the petitioner. Rather, they are fair enough to submit that they are unable to dispute or contradict the judgments, which have been referred to, in the instant case. Moreover, S.C. Kapuria's case (supra) erstwhile Punjab State Electricity Board was a party and it appears that even the law laid down in the said judgment was not adhered to or considered by the concerned authorities while passing the impugned order (P-5) for rejecting the claim of the petitioner for counting his previous service towards pensionary benefits.

6. In view of the law laid down in the afore-said authorities and therebeing, no contrary law thereto, this Court is of the considered view that petitioner is entitled to the relief claimed through the instant petition i.e. for counting of his previous service rendered by him with respondent No.6 w.e.f. 22.05.1973 to 31.10.1978, towards pensionary benefits.

7. Accordingly, instant petition is allowed and impugned order (P-5) is set aside. Respondent No.6 is directed to pay its contribution towards services rendered by the petitioner w.e.f. 22.05.1973 to 31.10.1978 within a period of

three months from the date of receipt of certified copy of this order and on compliance of afore-said direction, respondents particularly respondent No.1 is mandated to revise the pension of the petitioner, accordingly as well as to assess and pay the arrears within a period of two months from the date of receipt of the necessary contribution from respondent No.6

8. No order as to costs.

JULY 04, 2018

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Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*

(JASPAL SINGH)
JUDGE