

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

(230)

CWP-13057-2016

Date of Decision: November 19, 2018

Gobind Ram

..Petitioner

Versus

State of Punjab and ors

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

Ms. Nikita Bansal, Advocate, for
Mr. Nitin Kaushal, Advocate, for respondent No.4.

Mr. Vijay Kumar, Advocate, for respondents No. 5 and 6.

HARSIMRAN SINGH SETHI, J.(ORAL)

Reply on behalf of respondents No. 1 to 4 has already been filed.

In the present writ petition, the claim of the petitioner is that the petitioner had rendered regular service from 26.07.1978 to 30.12.1981 with Punjab Water Supply and Sewerage Board, Chandigarh and thereafter he was transferred to the Municipal Council, Nawanshahr. It has been averred in the petition that the said period i.e. 26.07.1978 to 30.12.1981 has not been taken into consideration while computing the pensionary benefits of the petitioner and the petitioner is entitled for computing the said period for ascertaining his actual pensionary benefits.

Counsel for respondent No.4 states that the period for which the petitioner is asking the pensionary benefits, the same are to be paid by respondent No.5 being the competent authority and as soon as the payment

is made, the revised pensionary benefits will be calculated and will be paid to the petitioner. For the period when the petitioner remained with the Municipal Council, Nawanshahr, the pensionary benefits has already been released to him.

Counsel for respondents No.5 and 6 admits that it is respondent No.5 who is to pay the pensionary benefits with regard to the period 26.07.1978 till 30.12.1981. He further states that they are ready to discharge their liability as and when the Municipal Council discharge their liability.

Let the liability of respondent No.5 be calculated for the period 26.07.1978 till 30.12.1981 and the same be remitted to Municipal Council, Nawanshahr by respondent No.5. The same be done within a period of three months.

Counsel for respondents No.5 and 6 states that along with transfer of the petitioner, service book was also sent to Municipal Council, Nawanshahr.

Be that as it may, there must be some record as the period for which the petitioner is asking pensionary benefits from respondent No.5 as the same is not disputed. If the service book of the petitioner is available with respondent No.4, the same should also be sent to respondent No.5. Let the exercise of calculating the benefits available to the petitioner for the above said period be done within a period of three months. After the receipt of the calculated amount from the respondent No.5, respondent No.4 should again calculate the pensionary benefits starting from the period 1978 onwards and re-fix the pension of the petitioner. Whatever the monetary benefits the petitioner will be entitled after the re-fixation should also be

paid within two months thereafter.

The writ petition is allowed, in above terms.

November 19, 2018
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No