

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 1599 of 2016 (O&M)
Date of Decision : 29.11.2018

Tilak Raj

...Petitioner

Versus

Special Secretary, Cooperation, Punjab, Chandigarh and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Ms. Jagdeep Bains, Advocate for the petitioner.

Mr. Sandeep Vermani, Addl. A.G., Punjab.

Mr. Raman Goklaney, Advocate for respondent No. 5.

Harsimran Singh Sethi, J.(Oral)

CM-17942-CWP-2018

The present application has been filed on behalf of the petitioner with a prayer that he be allowed to place on record an order dated 03.04.2018 passed by the Sub Registrar, Co-operative Society, Ferozepur.

The application is allowed and order dated 03.04.2018 is taken on record as Annexure P-16, subject to all just exceptions.

Main Case

In the present writ petition, petitioner sought a direction to the respondents for deciding his representation dated 17.12.2015 (Annexure P-15), which was filed for implementation of the order dated 07.07.2015 (Annexure P-5), by which the order dismissing the petitioner from service

was set-aside and the Society was given an opportunity to pass a fresh order.

As there was no order was passed by the respondents, the petitioner filed a representation seeking the pensionary benefits on the ground that he has already retired from service on attaining the age of superannuation on 28/30.04.2014.

Notice of motion was issued. In the meantime, the respondents keeping in view the liberty given vide order dated 07.07.2015 passed another order on 18.08.2016 again dismissing the petitioner from service. Against the said order, the petitioner had preferred an appeal under Rule 14 (1) of the Punjab State Cooperative Agricultural Service Society Service Rules, 1997 Deputy Registrar Cooperative Society, Ferozepur, vide order dated 03.04.2018 (Annexure P-16) accepted the said appeal and again set-aside the order dated 18.08.2016 by which the petitioner was dismissed from service again.

Learned counsel for the petitioner contends that keeping in view the above factual matrix, petitioner is to be treated as a retired employee for all intents and purposes and hence, he is entitled for the pensionary benefits.

Learned counsel for the respondents states that the respondent-Society intends to challenge the order dated 03.04.2018 by which order dated 18.08.2016 passed by the Society dismissing the petitioner from service, has been set-aside.

Be that as it may, as of now, keeping in the above factual matrix, the petitioner is to be treated as a retired employee as the order of dismissal passed against the petitioner has already been set-aside by the competent authority. Therefore, the respondents are under obligation to

consider the case of the petitioner for the grant of pensionary benefits in view of his superannuation on 28/30.04.2014.

Let necessary order in this regard for release of the pensionary benefits be passed within a period of three months from the date of receipt of copy of this order. It is made clear that however the order of the release of the pensionary benefits and arrears, if any, would be subject to any order which might be passed by the competent authority in Revision, if preferred by the respondents against the order dated 03.04.2018.

The writ petition stands disposed of accordingly.

November 29, 2018

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No