

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.203

Civil Writ Petition No.22147 of 2016
DECIDED ON: October 06, 2018

AVTAR SINGH

..PETITIONER

VERSUS

P.R.T.C. PATIALA THROUGH ITS CHAIRMAN AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.S. Grewal, Advocate,
for the petitioner.

Mr. Aman Sharma, Advocate,
for the respondents.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought an issuance of a writ particularly in the nature of Mandamus directing the respondents to grant pension and other retiral benefits after counting the qualifying service from the date of his joining in the Pepsu Road Transport Corporation instead of the date of contribution to the contributory provident fund as per judgment rendered in CWP No.8285 of 2004 captioned as ***Ved Parkash vs. State of Punjab & Ors.*** decided on 16.09.2010 (P-4) which attain finality as SLP filed by PRTC against the aforesaid judgment has

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been dismissed vide order dated 12.01.2012 AND issuance of a writ in the nature of Certiorari seeking quashing sub Regulation 6 mentioned in Chapter III of PRTC Employees Pension, Gratuity and General Provident Fund Regulations, 1992 vide which it has been provided that the qualifying service for grant of pensionary benefits would be counted from the date of contribution to provident fund rather than date of joining the Corporation.

2. The only question which involved in the instant petition is whether previous service of the petitioner can be counted towards qualifying service for grant of retiral benefits from the date of his joining or from the date the deduction of the contributory provident fund started. This question is no more res integra and has already been decided in CWP No.8285 of 2004 captioned as ***Ved Parkash vs. State of Punjab & Ors.*** decided on 16.09.2010 (P-4), which has attained finality and has since been implemented. Not only the aforesaid ***Ved Parkash*** judgment, the similar view was taken by this Court.

3. Here it would also pertinent to mention that SLP was filed by the PRTC against the aforesaid judgment rendered in ***Ved Parkash's case (Supra)*** also stood dismissed on 12.01.2012. Not only this, there is another judgment passed in CWP No.4453 of 2012 captioned as ***Gurdial Singh & ors. Vs. PRTC & ors.***, decided on 12.03.2012, similarly situated persons/employees have already been granted the similar benefit and that judgment also has since been implemented.

4. Taking into consideration the aforesaid aspects, instant petition is disposed of absolutely in terms of ***Ved Parkash's case (supra)***. The respondents be released the consequential benefits in view of ***Ved Parkash's case (supra)***, within a period of two months from the date of

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receipt of a certified copy of this order. In case of non compliance of this order, petitioner shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

October 06, 2018

Ankur

Whether speaking/reasoned

Whether reportable

Yes

Yes/No

(JASPAL SINGH)
JUDGE