

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

CWP No.3879 of 2014

Date of Decision: 17.01.2018

Sarvesh Kumar

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present Mr. Surinder Singh Walia, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG Haryana.

Mr. Jagdish Manchanda, Advocate
for respondent No.3.

Mr. Deepak Balyan, Advocate
for respondent No.4.

RAJIV NARAIN RAINA, J. (Oral)

1. This petition has been filed seeking direction to respondent Nos. 3 & 4 i.e. Municipal Corporation, Karnal and the Market Committee, Karnal to recalculate the petitioner's qualifying service for pension by counting the period of service spent in Municipal Corporation, Karnal from 24.06.1979 to 03.01.2000 with the period served in Market Committee Karnal from 03.01.2000 till superannuation.

2. It is not disputed that the the petitioner's service in the Municipal Corporation were regular from the initial date of service, however, in the year 2000, the petitioner was declared surplus due to abolition of the posts of Octroi Clerk. He was re-deployed in Market

Committee Karnal where he was absorbed and retired. He has been awarded pension by calculating his period of service as 21 years 09 months and 23 days as against his claim of 34 years 04 months and 08 days by counting both periods. When both the services are clubbed there is not dispute or any discernible reason why the two services of the petitioner should not be counted and accordingly be granted pension by including his regular satisfactory service in the Municipal Corporation, Karnal.

3. The period of suspension of the petitioner was condoned as per the statement of the learned counsel for the petitioner. This issue may be examined by the authorities. Mr. Manchanda, Advocate appears for Municipal Corporation, Karnal and submits that the dues owed by the Corporation has been paid to the petitioner.

4. As a result, the writ petition is allowed.

5. The pension and retiral benefits (including gratuity, leave encashment, commutation etc.) shall be refixed by counting the entire service in Corporation and Committee with all the consequential benefits flowing therefrom. The amount be calculated and paid to the petitioner within three months from the date of the receipt of the certified copy of the order. In case of default, the amount in default will carry interest at the rate of 7.5% till payment.

(RAJIV NARAIN RAINA)
JUDGE

17.01.2018

kv

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No