

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

**CWP No.23278 of 2018
Date of decision :13.09.2018**

Sanjay Verma

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikas Chatrath, Advocate for the petitioner.

RITU BAHRI, J. (Oral)

The petitioner is seeking benefit of service rendered in the Government Aided Schools sanctioned post for the purpose of pension when he joined in the Government school.

Learned counsel for the petitioner contends that the service rendered by an employee before his government service is to be counted for the purpose of pension if he has rendered service at the time of old pension scheme then benefit of old pension scheme will be given. This issue was decided in favour of the petitioner in ***CWP-2371-2010, Harbans Lal V/s. State of Punjab and others decided on 31.08.2010 (Annexure P-12)*** and the SLP against the said judgment has also been dismissed on 30.07.2012 (Annexure P-13) as well as the Review Petition (C) No. 2038-2013 in SLP(C) 23578-2012 was also dismissed on 04.11.2015.

He further contends that the Education Department has extended similar benefit to one Niranjana Kumar Sharma PGT English who was appointed in Govt. Sr. Sec. School, Korwa Khurd, Ambala and vide order dated 31.10.2017, service rendered by him in DAV Sr. Sec. School, Ambala Cantt was counted towards pension under the provision of Finance Department dated 22.08.1988 and 19.07.2011 (Annexure P-14) and accordingly he was covered under the old

pension scheme prior to 01.01.2006. Vide order dated 21.08.2013 (Annexure P-15), the said benefit has also been given to Parmod Math Master, GHS Rampur (Hisar). The petitioner has given a legal notice dated 19.04.2018 (Annexure P-16) to the respondents and in response to the legal notice, Director Elementary Education has referred to District Elementary Education Officer vide letter dated 01.06.2018 (Annexure P-17) to take appropriate steps as per rules and instructions.

Notice of motion.

Ms. Nidhi Garg, Assistant Advocate General, Haryana, accepts notice on behalf of the official respondents.

Keeping in view the orders already passed by the Education Department vide Annexures P-14 and P-15 and *Harbans Lal's case (supra)*, this petition is being disposed of by giving direction to respondent No. 3 to pass final order on the letter dated 01.06.2018 (Annexure P-17) within a period of four months from the date of receipt of certified copy of this order.

(RITU BAHRI)
JUDGE

September 13, 2018
Divyanshi

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