

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

Sr. No.229

**Civil Writ Petition No.4477 of 2016
DECIDED ON: March 01, 2018**

SURINDER KAUR

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Naresh Kaushik, Advocate and
Mr. Mr. D.L. Gulati, Advocate,
for the petitioner.

Mr. Jaswinder Singh, Senior Deputy Advocate General,
Punjab.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus, directing the respondents to count the services rendered by her on sanctioned post of Teacher under Grant-in-aid Scheme in privately managed recognized aided school towards qualifying

services for the purpose of pension benefits as well as for grant of 2nd proficiency step up.

2. In response to notice of motion issued by this Court, respondents filed reply in the shape of an affidavit of Ms. Rakesh Bala, District Education Officer (Secondary Education) Gurdaspur. Paragraph 5 of the aforesaid reply is relevant for the disposal of the instant petition and for proper appreciation thereof. It would be relevant to reproduced paragraph no.5 of the aforesaid affidavit, which reads as under:-

“That it is respectfully submitted that the period of rendered in Privately Managed aided School from 18.08.1975 to 31.12.1989 and the benefit of ACP have already been to the petitioner. The revised pension case of the petitioner has also been sent to the Accountant General (A&E) Punjab, Chandigarh. A copy of the letter is attached as Annexure R-1/T.”

3. A glance at the aforesaid paragraph transpires that the relief with regard to rendering of services in Privately Managed aided school from 18.08.1975 to 31.12.1989 has already been ordered to be counted towards pensionary benefits. Similarly, benefit of ACP sought through the instant petition has already been granted and sanctioned. Further, for revision of pension, case of the petitioner has already been sent to the office of Accountant General (A&E) Punjab, Chandigarh. This fact is also evident from the letter No.927, dated August 18, 2017 (R-1/T). However, during the course of arguments, it has emerged that though, the orders have been passed for granting the aforesaid benefits claimed through the instant petition to the petitioner and revised pension case has been sent to the office of Accountant General (A&E) Punjab, Chandigarh, yet no pecuniary benefits have so far been released which stood accrued to the petitioner on

account of grant of the benefit with regard to counting of her services earlier rendered in Privately Managed aided school or on account of 2nd proficiency step up, to which, petitioner is legally entitled.

4. In the light of aforesaid discussion, instant petition is disposed of with a direction to the respondents to accord the necessary approval/sanction, calculate the arrears and make the disbursement thereof to the petitioner within a period of three months from the date of receipt of a certified copy of this order. In case of non compliance of this aforesaid order, petitioner shall be entitled to interest @ 9% per annum from the date of filing the instant petition till its actual payment and further she shall also be at liberty to approach this Court.

March 01, 2018

Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No