

CWP No.540 of 2016

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.: 250

Civil Writ Petition No.540 of 2016

Date of Decision: *January 10, 2018*

VEER SINGH

..... PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

..... RESPONDENTS

CORAM

HON'BLE MR. JUSTICE JASPAL SINGH

PRESENT: Ms. Alka Chatrath, Advocate, for the petitioner.

Ms. Deepali Puri, Additional Advocate General, Punjab,
for the respondents.

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Jaspal Singh, J. (Oral)

Through the instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of Mandamus directing the respondents to grant pension and other retiral benefits by fixing his pay taking into consideration the total service as 'qualifying service' towards pension i.e. from his initial appointment till his retirement by including his service for which he was illegally removed from job as per the Award passed by Labour Court dated January 11, 2001 reinstate him with continuity of

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service, which order has subsequently been upheld by this Court along with further direction to pay the consequential arrears to the petitioner along with interest @ 18%.

2. Undisputably, the petitioner initially joined the services in Punjab Roadways, Batala as Conductor on October 19, 1982. His services were terminated, which ultimately led to the filing of a petition before the Labour Court, Gurdaspur. Vide Award dated January 11, 2001, the Presiding Officer, Labour Court, Gurdaspur ordered the reinstatement of the petitioner. The operative part of the aforesaid Award dated January 11, 2001, reads as under:-

“20. In view of my findings on the above issues, the instant reference succeeds and the same is accepted directing the respondent to reinstate the workman with continuity of service with full back wages from the date of termination till 29th September, 1986. The workman shall report from duty as and when the award becomes enforceable at law.”

3. Aggrieved against the aforesaid Award dated January 11, 2001, passed by the Presiding Officer, Labour Court, Gurdaspur, respondents approached this Court by way of Civil Writ Petition No.1237 of 2002 titled as ***Punjab State through General Manager, Punjab Roadways, Batala vs. Vir Singh & anr.***, which was disposed of vide order dated January 06, 2003 (P-6). The operative part of the aforesaid order dated January 06, 2003, reads as under:-

“As regards back wages, the learned counsel appearing for the workman states that his client will not claim back wages even for the period upto September 29, 1986. In

view of this statement, we modify the award to the extent that the workman will be entitled to reinstatement with continuity of service but without any back wages. Petitioner is directed to implement the award within two months from the date of receipt of a copy of this order.”

4. In pursuance of aforesaid order dated January 06, 2003 (P-6), petitioner joined his services with the respondent on August 14, 2003 and submitted his joining report. Subsequently, he stood retired on attaining the age of superannuation on February 29, 2008.

5. It has also emerged during the course of arguments that though case of the petitioner for the grant of pension and other benefits was recommended and forwarded to the office of Accountant General (A&E), Punjab & UT Chandigarh. But the same was declined vide order dated May 30, 2008, particularly observing that qualifying service shown in History Sheet is only 02 years 05 months & 20 days, which is incorrect on the face of documents. In fact it appears that order(s) passed by the Presiding Officer, Labour Court, Gurdaspur and upheld by this Court were not taken into consideration at the time of issuance of letter dated May 30, 2008 (P-12). Concededly, the period of service of the petitioner was not considered as qualifying service towards pension in the light of the above referred orders/judgment.

6. After hearing the learned counsel for the parties, appraisal of the various documents available on file, instant petition is disposed of with a direction to the respondents to reconsider the case of the petitioner with regard to grant of pension as well as pensionary benefits particularly in the light of the order dated January 11, 2001 passed by the Presiding

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Officer, Labour Court, Gurdaspur as well as this court dated January 06, 2003 with regard to period of qualifying service towards pension. Let, the needful be done within a period of three months from today.

7. However, in case, the petitioner still feels aggrieved against any order(s) passed by the respondents, he shall be at liberty to approach this court.

January 10, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**