

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

CWP-4123-2017

Date of decision: 11.09.2018

Bishno Devi

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Gaurav Jain, Advocate for
Mr. S.K. Bhardwaj, Advocate for the petitioner(s).

Mr. Kiran Pal Singh, A.A.G., Haryana.

Ritu Bahri, J. (Oral).

The case of the petitioner is that she has been appointed as Peon vide appointment letter dated 14.11.2005 (Annexure P-2). This appointment was given to the petitioner in the backdrop of agitation which took place in village Kandela, District Jind in May 2002 and the son of the petitioner was shot dead during that agitation. On 28.10.2005, the Cabinet Ministry of State of Haryana took a decision to grant the employment of dependent of deceased, who had expired during police firing in village Kandela (as a special case), after granting the relaxation in age and educational qualifications.

After going through the contents of the writ petition and the written statement, it transpired that offer of appointment was given to the petitioner on 14.11.2005. However she joined the duty on 06.01.2006 after a gap of almost 2 months.

The grievance of the petitioner in the present writ petition is that she is not being given benefit of old pension scheme and she is seeking benefit of the judgment passed by this Court on 30.09.2015, ***Dharam Singh V/s. State of Haryana and others*** (Annexure P-5). A perusal of this judgment shows that in the case of Dharam Singh, the Haryana Subordinate Services Selection Board had advertised the vacancies for the post of Clerks and the select list of 5373 candidates was prepared on 15.10.1989 and it was held that the meritorious candidates should not be suffered on account of litigation pending in the Court. Finally they were appointed but they were denied the benefit of old pension scheme and the writ petition was allowed keeping in view the fact that they cannot be made to suffer financial loss on account of delay in offering the appointments in the departments. This judgment cannot help the petitioner as in the present case, offer of appointment was made to the petitioner on 14.11.2005 (Annexure P-2) and she actually joined on 06.01.2006 (Annexure P-3) and on that date, a new contributory pension scheme has come into force w.e.f. 01.01.2006 (Annexure R-1), the delay in joining the service is on the part of the petitioner and hence the benefit has been rightly denied.

Dismissed.

11.09.2018

Divyanshi

**(RITU BAHRI)
JUDGE**

Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No