

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

LPA-2003-2017 (O&M)

Date of decision:- 25.07.2018

Ramesh Kumar Jha and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Anurag Goyal, Advocate,
for the appellants.

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KRISHNA MURARI, C.J. (ORAL)

CM-4361-LPA-2017

For the reasons mentioned in the application, the delay of 33 days in filing the appeal is condoned.

The application stands disposed of.

LPA-2003-2017

This appeal under clause X of the Letters Patent is directed against the judgement and order of the learned Single Judge dated 30.05.2017 dismissing the writ petition filed by the petitioners (appellants herein).

2. Admittedly, the appellants were appointed on different posts in District Rural Development Agencies (DRDAs) in State of Haryana. Grievance of the appellants was with respect to merger of the DRDAs with Rural Development Department of State of Haryana. The claim made was rejected by the State Government vide order dated 05.07.2016 which was impugned in the writ petition. The State Government took a decision not to absorb them inasmuch as a policy decision had

been taken to continue with the existing structure of DRDAs as diminishing cadre till retirement of all existing employees since it was found that transferring of services of existing staff in line departments is not feasible keeping in view their age, qualification, experience etc.

3. Learned counsel for the appellants vehemently contended that since the State Government from time to time considered the demands of the employees of the DRDAs and took decisions to grant them various service benefits which were available to the employees of the line departments and, thus, there should be no difficulty in absorbing them.

4. The learned Single Judge considering this aspect of the matter relying upon a judgement of the Hon'ble Apex Court in the case of *PU Joshi and others vs The Accountant General, Ahmedabad and others*, 2003 (2) SCC 632, wherein it has been held that the Court cannot suggest the manner in which the employer should structure or restructure the cadres for the purpose of improving efficiency of administration, dismissed the writ petition. In our considered opinion, the decision taken by the State Government not to merge the DRDAs with line departments or transfer the services of the existing staff of the DRDAs to the line departments is a policy decision taken by the State Government in which there is hardly any scope for interference by the Court while exercising powers conferred by Article 226 of the Constitution of India. Furthermore, the DRDAs and their employees cannot claim merger with the Rural Development Department as a matter of right inasmuch as while joining their service they knew very well that they were getting an employment with the Societies registered under the Societies Registration Act, 1860. Thus, no vested right exists

and their claim to this effect has rightly been rejected by the learned Single Judge in view of the policy decision taken by the State Government.

5. Learned counsel for the appellants further contended that since all other service benefits as available to the employees of the line departments have been made available, there is no reason to deny the appellants the benefit of pension which is admissible to the employees in the line departments.

6. Admittedly, the appellants at the time of joining their service knew that the post on which they have been appointed is not pensionable. Further, they were all members of the Contributory Pension Fund Scheme which was available to all the DRDAs staff and having availed the benefit of the same they cannot claim pension as a matter of right under the New Pension Scheme which has been introduced by the government after discontinuing the old pension scheme w.e.f. 01.01.2006. In such view of the matter, the claim of the appellants in respect of the pension is also not liable to be granted. We do not find any infirmity or illegality in the orders passed by the learned Single Judge dismissing the writ petition which may require any interference.

7. The appeal is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

25.07.2018

Amodh

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