

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

103

RSA-390-2018 (O&M)
Date of decision:23.04.2018

Rampat

...Appellant

Versus

Union of India and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Rakesh Lathwal, Advocate for the appellant.

P.B. BAJANTHRI, J. (ORAL)

CM-1002-C-2018

This is an application for condonation of delay of 31 days in filing the appeal. Heard. In view of the reasons mentioned in the application and affidavit, same is allowed.

Delay of 31 days in filing the appeal is condoned.

CM-1003-C-2018

This is an application for condonation of delay of 118 days in re-filing the appeal. Heard. In view of the reasons mentioned in the application and affidavit, same is allowed.

Delay of 131 days in re-filing the appeal is condoned.

Main case

In the instant appeal, appellant has questioned judgments of trial and appellate courts dated 28.08.2012 and 23.11.2016. Appellants grievance is relating to entitlement of pension benefits. Appellant is stated to have rendered service in ITBP during the period from 28.06.1966 to 01.07.1972 and 14.11.1974 to 31.07.1978. Learned counsel for the appellant submitted

that there is no break in service from 28.06.1966 to 31.07.1978. Therefore, complete service is required to be taken into consideration for the purpose of extending the benefit of pension under the relevant rules. It is to be noted that there is a break in service. In other words, there is no material to show that from 01.07.1972 to 14.11.1974 to the extent that appellant has discharged the duties of the post held by him in ITBP. At the same time, appellant has not questioned the validity of the Ex.P-2 in respect of service certificate issued for the period from 14.11.1974 to 31.07.1978. That apart, he has not produced any material to show that there is no break in service. In view of these facts and circumstances, there is no infirmity in the judgments of trial and appellate courts dated 28.08.2012 and 23.11.2016.

Accordingly, appeal stands dismissed.

23.04.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No