

CWP-2650-2019

Date of decision: 11.09.2019

SUBHA CHAND

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.P. Sharma, Advocate
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana with
Mr. Manoj Kaushik O/o Directorate of Elementary Education,
Panchkula.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that the pensionary benefits of the petitioner were not being released despite the fact that he had retired on 30.06.2018, on the ground that there was a dispute with regard to the date of appointment of the petitioner in service.

Upon notice of motion, the respondents have filed the reply and in the reply, the respondents have stated the following:-

"That pursuant to the notice of motion, the grievance of the petitioner has been considered in detail. It is a matter of fact that the petitioner applied for the post of Social Study Master and got selected but joined service in December, 2006 after directions passed by this Hon'ble High Court in CWP No. 5566 of 2005. Since he joined service in December, 2006 i.e. after 01.01.2006, therefore, he was considered under New Pension Scheme. The petitioner approached this Hon'ble High Court again by way of filing a civil writ petition i.e. No.

12256 of 2012-Subha Chand Vs. State of Haryana and others praying therein for notional appointment w.e.f. 13.12.2004, the date when other selected candidates of the recommendations were given appointment. The petitioner also prayed for pensionary benefits under old pension scheme under provisions of Punjab Civil Service Rules Volume-II, the date when the others recommended candidates were allowed to join service. The prayed relief was granted to petitioner vide this Directorate order No. 17/124-2012 HRM-I (1) dated 04.12.2013 with deemed appointment w.e.f 13.12.2004. He was allowed to have General Provident Fund (GPF) by the office of Principal Accountant General (A&E) Haryana, Chandigarh by way of allocating him GPF No. HR/EDU/161901 w.e.f. 13.12.2004. It means that the relief claimed therein was granted but now again when the pension case of the petitioner was submitted to office of Principal Accountant General (A&E) Haryana, Chandigarh that office raised a query regarding notional period of service i.e. 13.12.2004 to 09.12.2006 and demanded special sanction under Rule 6.24 of Punjab Civil Service Rules Volume-II. Resultantly, the present writ petition.

That now the grievance of the petitioner has been discussed with office of Principal Accountant General (A&E) Haryana, Chandigarh and the query raised by that office has been got satisfied. Now the benefit of pension and other retiral benefits have been released to petitioner vide **Pension Pay Order (i.e. PPO) No. 1119257151257151 dated 09.09.2019.** The petitioner has also been allowed benefit of gratuity & commutation of pension i.e. Rs. 423239/- &

Rs. 794676/- respectively (**Annexure R-1**). The petitioner is advised that after having retirement from service, the relationship of employer-employee comes to an end and pension paying authority i.e. Treasury Officer concerned becomes the new Drawing and Disbursing Officer (DDO) for releasing pension. Hence, it is advised to petitioner that he has to appear before the new DDO with all original pension papers made available by the office of Principal Accountant General (A&E) Haryana, Chandigarh to have the retiral benefits.

Counsel for the respondents states that the petitioner has already been found entitled for the benefits and the benefits have already been computed, and the DDO already stands issued, copy of which has been attached as Annexure R-1 with the short reply.

Counsel for the petitioner states that though, the amount for which the petitioner has been found entitled already stands sanctioned, but in the reply, the respondents have stated that the petitioner has to come and appear before the office of the Principal Accountant General (A & E) for the release of his entire benefits, which is arbitrary as all the documents are in the possession of the respondent-Principal Secretary-cum-Financial Commissioner, Department of Finance, Govt. of Haryana, Haryana Civil Secretariat, Chandigarh itself and it is only after going through the said documents, the benefit has been released to the petitioner by the respondents and therefore, the petitioner is being asked to appear before the office of the Principal Accountant General (A&E) without any valid reason.

Counsel for the respondents states that all the benefits, the detail of which have been given in Paragraph 3, will be deposited in the account of the petitioner within a period of two weeks from today positively, without ordering

the petitioner to appear before the office of the Principal Accountant General (A&E).

Counsel for the petitioner states that keeping in view the statement made on behalf of the respondents, the present writ petition has been rendered infructuous and may be disposed of as such.

Ordered accordingly.

11.09.2019

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(HARSIMRAN SINGH SETHI)
JUDGE

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