IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-17273-2013 (O&M)
Date of decision: 17.12.2019

Kanwarjit

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. V.K. Sandhir, Advocate for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

Mr. J.S. Toor, Advocate for respondent No.3.

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GIRISH AGNIHOTRI, J. (Oral)

The present petition has been filed by the petitioner/Kanwarjit *inter alia* with the prayer to direct the respondents, to count the period of service of the petitioner from the year 1978 to 1983 rendered by him on ad-hoc basis, for the purpose of pensionary benefits.

At this stage, it needs to be mentioned that in compliance of the last order dated 20.08.2019, passed by this Court, has already been done.

In the short reply dated 09.12.2019, filed by respondent No.3, it has been submitted that service of the petitioner, rendered by him on ad-hoc basis from 25.05.1978 to 25.02.1983, was considered as qualified service and in reference to that, an order dated 31.05.2016, was passed by respondent No.3. In Para Nos.3 & 4 of the short reply, clear stand has been taken, which is reproduced as under:-

> *"3. That service of the petitioner rendered by him on adhoc basis from 25.05.1978 to 25.02.1983 was considered as qualified service and in reference to that an order dated 31.05.2016 was passed by respondent No.3. It is necessary to mention here that the retiral benefits i.e. Difference of gratuity of Rs.41440/- less Rs.13522/- for interest and pension computed net Rs.27918/- has already been paid to the petitioner. It is further submitted that earlier no pension contribution for the period spent by the petitioner on adhoc basis was taken by the respondent office and after passing the order whereby petitioner's service rendered on adhoc basis was considered qualified for pensionary benefits, the petitioner is liable to deposit Rs.2432/- as GPF deduction pension contribution with interest of Rs.12,160/- for the period of service rendered by the petitioner on adhoc basis and petitioner has been informed several times and latest on 08.11.2018. Copy of the letter dated 08.11.2018 is annexed herewith as Annexure R-3/1.*
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> *4. That keeping in view of the order passed by the office of the respondent whereby petitioner's service rendered on adhoc basis was considered qualified for pensionary benefits, since no cause of action is surviving to the petitioner, hence the present writ petition becomes infructuous."*

Along with reply, a communication dated 08.11.2018 as Annexure R-3/1, has also been appended. Vide this Communication, the Medical Officer of Health, Municipal Corporation, Amritsar, informed the petitioner that he should deposit Rs.2,432/- as GPF deduction pension contribution with interest of Rs.12,160/- of the above period i.e. from

25.05.1978 to 25.02.1982.

Learned counsel for the petitioner very fairly submits that he has instructions from the petitioner to submit that within one week from today, the said compliance i.e. to deposit the aforementioned amount, shall be made.

In view of the above statement and the stand taken by respondent No.3, the present writ petition is disposed of with the following directions:-

> *(i) The petitioner within one week from today, would deposit an amount of Rs.2,432/- and Rs.12,160/-.*
>
> *(ii) After the deposit of the above said amount, the necessary orders and compliances shall be done by the respondents within reasonable period as expeditiously as possible, maximum within six months from the said deposit.*

(GIRISH AGNIHOTRI)
JUDGE

17.12.2019
anju rani

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No