

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20807 of 2016

Date of decision: - 27.08.2019

Mohinder Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashok Kumar Khubber, Advocate for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Mr. Baldev Raj Mahajan, Senior Advocate with
Ms. Bahaar Ghuman, Advocate for respondent No. 3.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the grievance which is being raised by the petitioner is that the service which he had rendered in the Haryana State Small Industries & Export Corporation Limited prior to his joining the Municipal Corporation on 21.06.2006, should also be take into consideration as a qualifying service for computing all the pensionary benefits after the petitioner superannuated from service on 30.04.2014.

Learned counsel for the petitioner very fairly states that the said relief cannot be granted to the petitioner in view of the order passed by the Division Bench in ***LPA No.1105 of 2017*** titled as '***The State of Haryana***

and others Vs. Nathu Singh, decided on 29.05.2018 by which, the similar

claim of the similarly situated employees, who were also working with the Haryana State Mineral Irrigation Tubewell Corporation, has been declined. The Special Leave Petition against the said order has already been dismissed and the said judgment has already attained finality.

At this stage, learned Advocate General, Haryana, appearing on behalf of respondent No. 3 states that bunch of writ petitions were decided by this Court while deciding CWP No. 11797 of 2016 and other connected cases on 26.03.2019, wherein, the relief as being claimed by the petitioner in the present writ petition, has been declined.

Learned counsel for the petitioner is unable to rebut the contention raised by the learned Advocate General that the question of law as raised in the present writ petition already stands answered against the petitioner more than once.

Learned counsel for the petitioner states that though petitioner might not be eligible to get the service rendered in the Haryana State Small Industries & Export Corporation Limited to be treated as a qualifying service for the grant of pensionary benefits but petitioner has not even been paid his gratuity for the service which he has rendered with the Government of Haryana after the petitioner joined the Municipal Corporation on 21.06.2006 and, therefore, petitioner is entitled for payment of gratuity starting from 21.06.2006 till the petitioner attained the age of superannuation 30.04.2014.

Learned Advocate General very fairly submits that this claim of the petitioner for the grant of gratuity will be considered by the competent authority and appropriate orders will be passed within a period of two

months from today. In case, any amount on account of payment of gratuity is found due to the petitioner on any account after his retirement, the same will be released to the petitioner within a period of one month of the passing of the said order. Learned Advocate General also states that claim of the petitioner for the grant of interest will also be considered while deciding the entitlement of the petitioner for the grant of gratuity.

Counsel for the petitioner prays that keeping in view the statement given by the learned Advocate General, Haryana, petitioner does not press this writ petition any further and may be disposed of as such.

Disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

August 27, 2019
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Whether reasoned/speaking? *Yes*
Whether reportable? *No*