

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

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**CWP No.17512 of 2017.
Date of Decision: 03.12.2019.**

Krishna Devi

....Petitioner.

Versus

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pawan Kumar Goklaney, Advocate, and
Mr. Ashish Goklaney, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, Deputy Advocate General,
Punjab.

Mr. Kashish Garg, Advocate for respondent No.4.

Harsimran Singh Sethi, J. (Oral)

At the time of hearing, the only grievance, which is being raised by learned counsel for the petitioner, is that the service, which the petitioner had rendered from 08.09.1992 till 13.09.1995 with respondent No.4-School, has not been taken into consideration as a qualifying service for computing the pensionary benefits of the petitioner.

The prayer of the petitioner is that period from 08.09.1992 till 13.09.1995 be treated as qualifying service for computing the pensionary benefits.

Today, a short affidavit dated 02.12.2019 has been filed by Mr. Sanjeev Sharma, Assistant Director (Private Aided Schools), wherein the

been taken as qualifying service and a speaking order has been passed in this regard on 20.11.2019 which has been annexed with the said affidavit as Annexure R-1. Learned counsel for the respondent states that prayer of the petitioner has already been allowed in her favour. The relevant paragraph No.3 of the said affidavit is reproduced as under:-

“That the deponent submits that the claim of the petitioner was considered in the light of note 4 rule 3.17, 3.17-A(1) and 4.23 of Punjab Civil Service Rules-Volume-II and after perusing the above provision contemplated in Punjab Civil Service Rules, Vol-II, it is revealed that the petitioner fulfills all the pre-conditions for granting pension by counting her service against leave vacancy during 08.09.1992 to 13.09.1995. The answering respondent in this regard passed a speaking order dated 20.11.2019, whereby the service rendered by the petitioner against leave vacancy was considered qualifying service for pensionary benefits. (A speaking order dated 20.11.2019 is annexed herewith as annexure R-1).

Learned counsel for the respondents, on instructions from Mr. Sanjeev Sharma, Assistant Director (Private Aided Schools) states that the consequential benefits, which accrue to the petitioner in pursuance to the order dated 20.11.2019 (Annexure R-1) will be released in her favour within a reasonable time.

Learned counsel for the petitioner prays that the petitioner be given liberty to approach the respondents seeking interest as the petitioner had retired from service on attaining the age of superannuation on 31.08.2015 and the benefits are being released after more than four years, therefore, the petitioner is be entitled for interest.

Learned counsel for the respondents further states that in case any such representation is received by the department from the petitioner claiming interest, the same will be decided by passing an appropriate speaking order keeping in view the facts and circumstances of the case as well as the settled principle of law, within a period of three months from the receipt of any such representation and in case, after the passing of the order, the petitioner is found entitled for any benefit, the same will be released within a period of one month thereafter.

Learned counsel for the petitioner, in view of the statement of learned counsel for the respondents, states that he does not wish to press the instant writ petition any further and prays that the same may be disposed of accordingly.

Disposed of as not pressed.

(Harsimran Singh Sethi)
Judge

03.12.2019

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Whether speaking/ reasoned : Yes

Whether Reportable : No