

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 5290 of 2015
Date of decision : 20.09.2019

Uday Singh Jain

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rajiv Sharma, Advocate for the petitioner.

Mr. C.S. Bakhshi, Additional Advocate General, Haryana.

Mr. Sachin Mittal, 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 his service from 8.08.1987 till 01.04.1990 have not been taken into account as a qualifying service for the grant of pensionary benefits.

Learned counsel for the petitioner states that this fact is clear from the Pension Payment order (Annexure R-2), wherein, though the date of appointment of the petitioner has been mentioned as 08.08.1987 but as the date of the contribution to CPF was from 1.4.1990, the benefit has only been given from the said date and not from the prior date i.e. initial date of appointment.

The reason given by the respondents for not extending the

benefits for the said service to the petitioner is that contribution of the petitioner for CPF was started from 01.04.1990 and keeping in view the Rules governing the service, only the period, for which the CPF was deducted, is to be taken into account as a qualifying service for the grant of pensionary benefits.

Learned counsel for the petitioner argues that question of law that the full length of service is to be taken into account as a qualifying service subject to deposit of CPF by the employee alongwith interest, has already been settled by this Court more than once and recently, while deciding CWP No. 5897 of 2003 and other connected cases titled as ***Prem Chand Tagla and others Vs. State of Haryana and others***, this Court vide order dated 09.01.2019 has held that the employees are entitled to count their total length of service as a qualifying service subject to the deposit of contribution alongwith statutory interest for the period the same was not deducted.

Learned counsel for the respondents very fairly states that the case of the petitioner is covered by ***Prem Chand Tagla and others(supra)*** with regard to the claim that the total length of service is to be counted for the grant of pensionary benefits and not only the service for which the contribution has been taken in case the employee is ready to deposit the contribution for the period it was not deducted alongwith the statutory interest.

Learned counsel for the parties pray that the present writ petition be disposed of in same terms as CWP No. 5897 of 2003 and other connected case titled as ***Prem Chand Tagla and others Vs. State of***

Haryana and others.

Learned counsel for the petitioner states that there is another grievance that the petitioner has not been given the benefit of 5 years service as he was entitled under the Haryana Aided School Special Pension and Contributory Rule 2001.

Petitioner will be at liberty to raise the said plea before the respondents by filing appropriate representation and in case the petitioner raises the same, respondents shall decide the said claim by passing an appropriate speaking order within a period of 3 months of the receipt of the said representation.

Writ petition stands disposed of in above terms.

September 20, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*