

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
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RSA-5476-2016 (O&M)

Date of decision: 22.01.2019

Randhir Singh

..APPELLANT

VS.

State of Haryana and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Arjun Sheoran, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J.(ORAL)

Appellant has approached this Court challenging the judgment of the District Judge, Hisar dated 09.03.2016 whereby an appeal preferred by the State of Haryana against the judgment and decree dated 31.05.2014 passed by the Civil Judge (Junior Division) Hisar, stands set aside and the benefit, which was granted by the Civil Judge (Junior Division), Hisar, has also been denied to him whereas the appeal preferred by the appellant has been dismissed vide the said judgment.

It is the contention of the learned counsel for the appellant that the appellant was appointed as a Conductor on 10.11.1976 in the office of the General Manager, Haryana Roadways, Hisar. He submitted his resignation on 20.12.1991 from service and deposited one month salary on 19.12.1991 in lieu of one month notice. Resignation of the appellant was accepted on 20.12.1991. At that time, the appellant had served for a period of more than 15 years and, therefore, had claimed pension and other pensionary benefits, which have not been released to him. The suit, which was filed by the appellant, was decreed to the extent that the appellant is

entitled to the pensionary benefits which were directed to be released to him as per Rules within a period of three months. The said judgment and decree was challenged by the appellant as also the respondents. The appellant, for the reason that he had been denied regular pension and the State, for the reason that the appellant had been granted the pensionary benefits, filed appeals. These appeals were heard by the District Judge, Hisar, and, vide judgment dated 09.03.2016, the appeal preferred by the appellant has been dismissed whereas the appeal preferred by the respondents has been allowed and the judgment and decree passed by the trial Court has been set aside. Counsel, thus, contends that the appellant is entitled to the benefit of regular pension and the pensionary benefits in the light of the fact that the appellant has completed more than 10 years of service, which is the minimum requirement under the Statute and thus, the decree, as prayed for by the appellant, should have been passed in his favour.

I have considered the submissions made by the learned counsel for the appellant and with his assistance, have gone through the records of the case.

The consequence of resignation is dealt with under the Punjab Civil Services Rules, as applicable to the State of Haryana. Rule 4.19 (a) is the relevant Rule. The ambit thereof is that in case of resignation of a public servant, his past service is forfeited and no pension is to be granted. Further, as per Rule 5.32 (A), a Government employee is entitled to pension only on completion of 30 years of qualifying service but there is a provision for relaxation thereof that in special cases, the qualifying service can be counted even up to 25 years. Since the appellant has completed only 15 years of service, he would not be entitled to the pensionary benefits. The

law, on this aspect apart from the Statutory Rules, is also very clear and the judgments in detail have been discussed by the Courts below. The order, as passed by the learned District Judge, Hisar dated 09.03.2016, being in consonance with the Statutory Rules as also the law, as settled up to the Supreme Court, cannot, therefore, be interfered with as the appellant has rightly been denied the pension.

Finding no merit in the present appeal, the same stands dismissed.

(AUGUSTINE GEORGE MAISH)
JUDGE

January 22, 2019

pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No