

**205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP No.19719 of 2015**
Date of Decision: 13.2.2020

Smt. Sona Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. R.K. Chaudhary, Advocate, for the petitioner.
Mr. Pankaj Mulwani, Deputy Advocate General, Haryana.**NIRMALJIT KAUR, J. (Oral)**

Prayer in the present petition is to grant the pension and other retiral benefits to the petitioner by counting her service as Craft Teacher w.e.f. 8.3.1973 to 5.10.1988 being under the Panchayat Samiti in which she was subsequently appointed as Gram Sevika on 6.10.1988 as qualifying service as per her service from 8.3.1973 to 5.10.1988 as Craft Teacher.

While praying for the said relief, learned counsel for the petitioner submitted that the Department of Development and Panchayat introduced a new scheme in the Department termed as 'Development for Women and Child in Rural Areas' and in that scheme post in the same scale as of the petitioner was termed as Gram Sevika. That scheme was not successful and Government of Haryana took decision to take already working efficient Craft Teachers having excellent service record and the petitioner was also absorbed in that scheme under the same Department, same Head of Department but nomenclature was changed as Gram Sevika. She was Craft Teacher from 8.3.1973 to 5.10.1988 AN and from 6.10.1988 FN as Gram Sevika in the same office and under the same Department. The petitioner retired on 30.6.2005 on attaining the age of superannuation in the

ACP scale while posted under the Addl. D.C. Gurgaon. Her entire service record is excellent.

Reply has been filed. As per the reply, the petitioner was appointed fresh as Gram Sevika. The service of the petitioner as Craft Teacher from 8.3.1973 to 5.10.1988 cannot be taken into consideration.

However, the issue is no more res integra in view of the judgment rendered by this Court in CWP-17696-2017 titled as Smt. Kamla Sharma vs. State of Haryana and others, decided on 12.12.2019 alongwith other writ petitions, which were disposed of as under:-

“11. Learned counsel for the respondents is not able to rebut the fact that the persons similarly situated as the petitioner have already been allowed the same benefit by this Court as being claimed by the petitioner in this writ petition. The law has already attained the finality that the service, which a Gram Sewika has rendered on the post of Craft Teacher, is liable to be taken into account as a qualifying service for computing the pensionary benefits. Once, the benefit has already been extended to the similarly situated employees by this Court, it was the duty of the respondents to grant the same benefit to the petitioner.

12. A Division Bench of this Court while deciding CWP No. 4382 of 2002 titled as **Satbir Singh Vs. State of Haryana**, decided on 21.03.2002 held that once a question of law has been settled, the same should be applied upon all the similarly situated employees and the similarly situated employees should not be forced to approach the Court seeking the same relief.

13. A bare perusal of the above would show that this Court has already granted the relief of counting the service rendered by an employee as a Craft Teacher as a qualifying service for computing the pensionary benefits but still, the respondents have forced the petitioner to approach this Court.

This Court had granted the benefit to a similarly situated employee in the year 2006 and number of times thereafter till 2017, when the petitioner was forced to approach this Court. This is not expected from a Welfare State. Welfare State should treat all the similarly situated employees as one and, therefore, the respondents should have granted the benefit as extended to the similarly situated employees, rather than forcing the petitioner to approach this Court.

14. Keeping in view the above, the claim of the petitioner is allowed. The service, which the petitioner has rendered as a Craft Teacher prior to her appointment as a Gram Sewika, is liable to be counted as a qualifying service for computing the pensionary benefits. Let the pensionary benefits of the petitioner be re-calculated in terms of this order and the difference/arrears of the pensionary benefits be released to the petitioner within a period of two months from the date of receipt of certified copy of this order.

Writ petition is allowed in above terms.”

The issue in hand is squarely covered by the aforesaid judgment.

In view of the same, the present writ petition is allowed in terms of Smt. Kamla Sharma's case (supra). The respondents are directed to count the service of the petitioner as Craft Teacher from 8.3.1973 to 5.10.1988 as qualifying service towards her pension and pensionary benefits. After calculating the pensionary benefits, the same be released to the petitioner forthwith alongwith interest @ 6% per annum from the date of her retirement till it is finally paid.

(NIRMALJIT KAUR)
JUDGE

13.2.2020
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No