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

CWP-2057-2016

Date of Decision: February 13, 2020

Bharat Mantar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Mani Ram Verma, Advocate
for the petitioner.

Mr.Pankaj Mulwani, DAG, Haryana.

Mr.Anil Mehta, Advocate for respondent Nos.3 and 4.

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NIRMALJIT KAUR, J. (ORAL)

Prayer in the present petition is to count service of the petitioner in Chaudhary Charan Singh Haryana Agriculture University (for short, 'the University') in Haryana Government Service and to give benefit of the pension and the pensionary benefits of that service.

The petitioner was appointed in the University on 16.09.1982 and continued to serve in the University uptill 10.06.2001. Thereafter, he applied to the respondent-Department through proper channel. His technical resignation was accepted by the University w.e.f. 11.12.2004 vide order dated 28.02.2007 and he joined the department of Animal Husbandry and Dairy Development on 11.06.2001. He retired on 31.12.2014. When the authorities did not take any action on the request of the petitioner to add his earlier service rendered in the University for pension and pensionary

benefits, he sent a legal notice. The said legal notice was never decided and

the petitioner was forced to file the present petition.

Reply filed. As per the reply filed on behalf of respondent Nos.1 and 2, the previous service rendered by the petitioner in Chaudhary Charan Singh University cannot be counted towards pension as he did not submit his application within the stipulated period of six months. Secondly, the University is a non-pensionable organisation.

The first objection has no merit. Admittedly, the petitioner retired from the respondent-Department on 31.12.2014. Thus, the cause of action arose to the petitioner at the time when his services had to be counted towards pension. He, accordingly, made a representation to the department to do the needful. However, the respondents seem to have arbitrarily ignored the same. In any case, there is nothing to show that the petitioner was made aware of his stipulated period when he was required to submit his request.

The second objection too has no merit. Reply has been filed by the University stating that it is a State University. The fact that all the employees are receiving pension has not been denied. Even otherwise, he had applied to the respondents-State department through proper channel. Moreover, as per the judgment rendered in the case of **Sanjeev Kumar vs State of Haryana and others**, CWP No.20995 of 2013, decided on 19.05.2017, it has been duly held that the service rendered in the Chaudhary Charan Singh Haryana Agriculture University, Hisar is pensionable.

Accordingly, the petition is allowed and the respondents are directed to re-fix the pay as well as the retiral benefits by counting service of the petitioner rendered in the University. Needful be done within two months from the date of receipt of a certified copy of this order. The arrears

be released alongwith 6% interest from the date of his retirement upto the date of the release of the benefits. In case the needful is not done within two months, thereafter, the respondents shall be liable to pay the arrears alongwith interest @ 12% from the date of expiry of the said two months.

February 13, 2020
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(NIRMALJIT KAUR)
JUDGE

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |