

CWP No.5149 of 2018
Date of Decision: 25.02.2020

S.R. Madan and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Ranjit Saini, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

NIRMALJIT KAUR, J. (ORAL)

The prayer in the present writ petition is for quashing the letter/reply to the legal notice dated 02.02.2018 and letter/reply to legal notice dated 16.02.2018 issued by respondent No.2, with the further prayer to direct the respondents to consider the qualifying service for the purpose of pension from the date of their appointment and not from the date of contribution of provident fund.

This Court is satisfied that the present case is squarely covered by the judgment rendered by this Court in the case of Suraj Prakash Bajaj Vs. State of Haryana and others, CWP No.22558 of 2016 decided on 29.4.2019.

In view of the above, the present writ petition is also allowed in the same terms in the case of Suraj Prakash Bajaj (supra).

The review application No.402 of 2019 was filed in CWP No.22558 of 2016 in the case of Suraj Prakash Bajaj (supra) and the same was disposed of with a direction to the petitioner in the said case to deposit the share of the employees towards pension and contributory provident fund

Learned counsel for the petitioners while objecting to the same submitted that the order passed in review application shows that the same was passed on account of an undertaking and consent given by the petitioner in the said case. However, since Rule 4 of the Haryana Affiliated Colleges (Pension and Contributory Provident Fund) Rules, 1999 also stipulates to deposit the share with 12% interest, the petitioners herein shall also be bound by the order passed in the review application.

(NIRMALJIT KAUR)
JUDGE

25.02.2020
sandeep

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