

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-35826 of 2019

Date of decision: 04.02.2020

Jagdish @ Jagdish Singh

.... Petitioner

versus

State of Punjab and others

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Katoch, Advocate
for Mr. S.K. Arya, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J.

Learned counsel for the petitioner submits that the petitioner has 09 years, 11 months and 20 days service to his credit but the same was short by 10 days in order to become eligible for the grant of pension. Learned counsel for the petitioner argues even though, total length of service, which the petitioner had rendered was more than 13 years but, keeping in view the fact that period of 03 years, 10 months and 22 days was reduced from the qualifying service of the petitioner as the said period was availed by him as leave without pay due to the medical exigency, he has not been granted the benefit of pension on the ground that petitioner has less than 10 years of service to his credit.

Learned counsel for the petitioner relies upon order passed by this Court in CWP No.7889 of 2014 titled as **Jagtar Singh vs. State of Punjab and others** on 11.02.2015 to contend that according to Rule 6.1 of Punjab

Civil Services Rules, Vol.II, the period of more than three months service is to be treated as six months and as the service of the petitioner was short by only 10 days, he is entitled for the benefit of the said rule by treating the total length of service as 10 years so as to entitle him for the grant of pensionary benefits. Prayer of the petitioner is for issuance of direction to the respondents to grant the petitioner benefit of Rule 6.1 of Punjab Civil Services Rules, Vol.II, by treating the period of more than three months in the last quarter to be rounded off as six months so as to grant the petitioner the benefit of pension.

Learned counsel for the petitioner further states that for the relief which has been claimed in the present writ petition, the petitioner has submitted a representation dated 12.04.2019 (Annexure P-6) to the respondents and he will be satisfied, at this stage, in case, a time bound direction is issued to respondent No.2 to decide the same by passing an appropriate speaking order.

In view of the above, the present writ petition is disposed of with a direction to respondent No.2 to pass an appropriate speaking order on the representation dated 12.04.2019 (Annexure P-6) within a period of three months from the receipt of a certified copy of this order. It is made clear that while passing order, respondent No.2 shall keep in mind the order passed by this Court in **Jagtar Singh's case (supra)**.

(HARSIMRAN SINGH SETHI)

04.02.2020

JUDGE

aarti 1. Whether speaking/non-speaking?

Yes/No

2. Whether reportable?

Yes/No