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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.211

CWP No.31392 of 2019
DATE OF DECISION: February 08, 2021

RAJINDER KUMAR GUPTA @ R. K. GUPTA

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. K.L. Arora , Advocate, for the petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

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SUDHIR MITTAL, J. (ORAL)

The petitioner is aggrieved because vide order dated 23.08.2018 (Annexure P-9) his claim for honorarium under the "*Pandit Deen Dayal Upadhyaya Honorarium Scheme*" (hereinafter referred to as the Scheme) notified on 08.02.2018 has been rejected.

2. Learned counsel for the petitioner submits that the petitioner worked against sanctioned/aided post of Lecturer in Mathematics in the 4th respondent-college for the period 13.07.1960 to 12.01.1982. Thus, he has served for more than 21 years as a Lecturer. Thereafter, he served as Principal in the 3rd respondent-college from 13.06.1988 to 31.08.1995 and retired from service from the said college. As Principal, he served for more than 07 years. Total service was in excess of 28 years. The Scheme was

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notified on 08.02.2018 and the eligibility conditions laid down therein were that an employee should have retired from service during the period 01.01.1988 to 10.05.1998 and should be alive as on 01.04.2017. Minimum qualifying service of 10 years on a sanctioned/aided post should also be possessed. The concerned employee should also not be getting any other type of pensionary benefits. The petitioner fulfills all these conditions and thus, the order dated 23.08.2018 (Annexure P-9) is illegal.

3. Learned State counsel has referred to paragraph 2 of the short written statement filed on behalf of respondents No.1 & 2 wherein, it has been stated that the petitioner went abroad on extra-ordinary leave from 13.01.1982 to 12.01.1984 and was removed from the post of Lecturer by the 4th respondent vide order dated 01.10.1986 but w.e.f. 13.01.1984. Thus, because the petitioner was removed from service he was not entitled to benefit under the Scheme. It is further argued that the petitioner did not work on the post of Principal for a period of 10 years and on this ground also he is not entitled to any relief.

4. A perusal of order dated 23.08.2018 (Annexure P-9) shows that the case of the petitioner was rejected on the ground that he did not have 10 years service from the period 01.01.1988 to 10.05.1998 in the 3rd respondent-college.

5. Cope of the Scheme is on record as Annexure P-7. The terms thereof are that an employee should possess minimum 10 years qualifying service on a sanctioned/aided post and he should not be drawing any other type of pensionary benefits. Further, he should have retired during the period 01.01.1988 to 10.05.1998

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and should not have resigned from service during the said period. There is no requirement of having served for 10 years on the post of Principal as is being argued by the learned State counsel, nor is there a requirement of rendering the qualifying service during the period 01.01.1988 to 10.05.1998. Qualifying service is to be reckoned w.e.f. the date of appointment on a sanctioned/aided post and thus construed, the petitioner has served for more than 28 years. The rider regarding removal from service cannot come in the way of the petitioner as the said rider operates during the period 01.01.1988 to 10.05.1998. Admittedly, the petitioner retired on 31.08.1995 and reference to order of removal dated 01.10.1986 is futile.

6. For the aforementioned reasons, order dated 23.08.2018 (Annexure P-9) cannot be sustained.

7. The writ petition is allowed and order dated 23.08.2018 (Annexure P-9) is quashed. Respondent No.2 is directed to release honorarium for the post of Principal to the petitioner within four weeks from the date of receipt of a certified copy of this order along with arrears that he is entitled to.

February 08, 2021 **(SUDHIR MITTAL)**
Ankur **JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No