

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

CWP-5042-2022

Date of Decision: 14.03.2022

Prem Nath

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Tyagi, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, prayer of the petitioner is for quashing of the revised Pension Payment Order, dated 13.01.2014, and for issuing a fresh Pension Payment Order to him.

Learned counsel for the petitioner argues that the petitioner was appointed as a Math Teacher in the S.D. High School, Kalka, Panchkula, on 01.04.1989, initially on probation basis, as per Section 8 of the Haryana Aided School (Security of Services) Act, 1971. His services were thereafter confirmed on 01.04.1991, after completion of his probation period, i.e. after two years, and his Contributory Provident Fund (CPF) started to be deducted from his salary of April, 1991 onwards. Learned counsel for the petitioner submits that as per Section 31 of the Haryana Aided School (Security of Services) Act, 1971, after completion of the period of probation successfully, the concerned employee shall have the option to subscribe to the CPF for probation period also, however, the concerned School Management did not comply with the aforesaid provision.

Learned counsel for the petitioner further submits that case of the petitioner is squarely covered by the judgment passed by this Court in CWP-5897-2003, titled as “***Prem Chand Tagla and others Vs. State of Haryana and others***”, decided on 09.01.2019. The relevant paragraphs of the said judgment is as under:-

“ - x - x -

In view of the above, the writ petitions are allowed. The respondents are directed to take into consideration the total length of service rendered by the petitioners into consideration as a qualifying service and then compute their pensionary benefits for which they are entitled for. Let the refixation of the pensionary benefits of the petitioners as directed above, be done within a period of two months from the receipt of copy of this order. Whatever the contribution is to be made by each petitioner, towards the period for which the contribution was not deducted, will be deducted interest @ 6% and the amount will be released with interest @ 6% from the total arrears to be paid to the petitioners in each case before making the payment.

The arrears for which the petitioners become entitled for ultimately, shall be released within one month after the computation of the same.”

Learned counsel for the petitioner also submits that for redressal of his grievances, as raised in the present petition, the petitioner has already filed a representation on 08.04.2021 (Annexure P-6), which is still pending consideration with the Department concerned and the petitioner will be satisfied at this stage, in case a time bound direction is given to respondent No.3 to decide the said representation dated 08.04.2021 by passing an appropriate speaking order.

Mr. Raman Kumar Sharma, Additional A.G., Haryana, keeping in view the advance service of copy of the petition, accepts notice on behalf of the State and raises no objection, in case prayer made hereinbefore on behalf of the petitioner for deciding the representation dated 08.04.2021 (Annexure P-6) in a time bound manner is accepted.

Keeping in view the facts and circumstances of this case, the present petition is disposed of with a direction to respondent No.3 to pass an appropriate speaking order on the representation dated 08.04.2021 (Annexure P-6), filed by the petitioner, within a period of eight weeks from the date of receipt of the copy of this order. In case, the petitioner is found entitled for the relief, the same be also released in his favour within a period of next four weeks of passing of the said order on the representation dated 08.04.2021 (Annexure P-6).

14.03.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No