

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

Sr. No.105

CWP No.12707 of 2021 (O&M)

Date of Decision: 02.08.2022

Prabha Singhal

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. V.B.Aggarwal, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-10228-CWP-2022

Prayer in the instant application is for placing on record the copy of Employees Pension Scheme/Rules 1997 of Kurukshetra University as Annexure P-9.

Application is allowed and Annexure P-9 is taken on record.

CWP No.12707 of 2021

In the present petition, the grievance of the petitioner is that though the petitioner has rendered 20 years and 5 months of service with the University before she attained the age of superannuation but for the grant of pension, only 14 years and 6 months of service have been taken into account, which is totally arbitrary and illegal and the petitioner is entitled for counting the total length of service with the University for the grant of pensionary benefits.

Though, it is conceded by the learned counsel for the petitioner during the arguments that the petitioner is aware of the fact that an employee can only get pension for a period of maximum 33 years of service and not beyond that but still petitioner is raising claim to get pension for more than 33 years of service.

As per the conceded facts, prior to joining the University, the petitioner was employed with Government of Haryana where she had served for a

period of 18 years and 6 months. The petitioner got the retirement from Government of Haryana and joined the respondent-University and by the time the petitioner joined the University, she was already getting the pension for the said period i.e. 18 years and 06 months from the State of Haryana.

As an employee can not get pensionary benefits for a service more than 33 years, the respondent-University granted the petitioner the benefit of 14 years and 6 months so as to make it 33 years of qualifying service for which the petitioner is already getting the pension from the University.

At this stage, learned counsel for the petitioner argues that as the petitioner has rendered 20 years of service in University, the period for which the petitioner is being paid the pension by the Haryana Government should be reduced and the period of service with the University may be increased while calculating 33 years.

It has to be kept in mind that by the date the petitioner joined University, she was already getting the pension from the Haryana Government for a period of 18 years and 6 months. Once, at the time of joining the service with University, the petitioner was being paid pension by the State of Haryana for a particular period, the said period can not be reduced merely on the asking of the petitioner. The remaining period has rightly been added by the University to make it 33 years of qualifying service, so that the petitioner gets the maximum pension for which she is entitled for under the rules.

The respondents have already passed a detailed order rejecting the claim of the petitioner. Keeping in view the facts and circumstances noticed hereinbefore, no interference is called for by this Court.

The present petition is accordingly dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

02.08.2022

Maninder	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No