

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(218)

CWP-14617-2016

Date of Decision : May 26, 2022

Chand Rani

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajeev Dev Sharma, Advocate, for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

None for respondents No. 3 and 4.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed for issuance of a direction to the respondents to grant the petitioner the benefit of adhoc service rendered by her for treating the same as a qualifying service for computing the pensionary benefits.

As per the petitioner, the petitioner had worked as a Clerk in the Market committee starting from 09.05.1983 onwards till her services were regularized on 04.03.1985 but the said service has not been taken into account as a qualifying service for computing the pensionary benefits, which is contrary to the settled principle of law settled by the Full Bench of this Court in '*Kesar Chand Vs. State of Punjab and others*', AIR 1988 Punjab 265.

Learned counsel for the petitioner argues that even the retirement benefits were released to the petitioner in February, 2015 though the

petitioner retired in April, 2014. Learned counsel for the petitioner submits that as the delay in release of the pensionary benefits is more than two months from the date of retirement and that too without any impediment, petitioner is entitled for the grant of interest on the delayed release of the pensionary benefits.

After notice of motion, respondents have filed two separate replies. Respondents No. 2 to 4 have submitted in their reply that the claim of the petitioner for the grant of benefit of adhoc service is already under consideration and has been forwarded to the Regional Deputy Director, Audit Department, Amritsar.

Keeping in view the said ground taken, the present petition is disposed of with a direction to respondent No.2 to finally adjudicate the claim of the petitioner for the grant of benefit of adhoc service as qualifying service within a period of two months of the receipt of copy of this order. Further, while passing the said order, the prayer of the petitioner for the grant of interest on the delayed payment be also considered keeping in view the settled principle of law in **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468.** Let appropriate order on the grievance of the petitioner, which have been detailed hereinbefore, be passed within a period of two months from the receipt of copy of this order. In case, after the decision, the petitioner is found entitled for any monetary benefits, the same be also released in her favour within a period of four weeks thereafter.

May 26, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No