IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213) **CWP-7762-2015**
Date of Decision : September 12, 2022

Rekha Rani **.. Petitioner**

Versus

State of Haryana and others **.. Respondents**

(213-2) **CWP-21938-2015**

Jai Pal Verma **.. Petitioner**

Versus

State of Haryana and others **.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jitender S. Chahal, Advocate, for the petitioner in both the petitions.

Mr. Sandeep Singh Mann, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, two writ petitions, the details of which have been given in the heading of the order are being disposed of, as both the petitions involve the same question of law on similar facts.

The grievance being raised by the petitioner(s) in the present petitions is that their service rendered against an aided sanctioned post in an aided institution where the petitioner(s) worked prior to joining service with the State has not been taken into account as a qualifying service for computing the pensionary benefits despite the fact that as per the settled principle of law, the said service is to be taken into account as a qualifying service for computing the pensionary benefits.

The reliance is being placed upon orders passed in various writ petitions passed by this Court, copies of which have been appended as Annexures P-7, P-8 and P-10, which have already been implemented qua the similarly situated employees seeking the same relief.

Learned State counsel submits that keeping in view the settled principle of law, which is being relied upon by the petitioner(s), the benefit of counting the past service rendered by the petitioner(s) in the aided institution as qualifying service for computing the pensionary benefits, can only be given in case, the petitioner(s) deposit the employee's share of contribution, which was not deducted along with interest for the period being sought to be counted as qualifying service.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The issue whether the petitioner(s) are entitled for counting of the service which they have rendered against the sanctioned post in an aided institution before their appointment with the Government as qualifying service, is not being disputed by the respondents, keeping in view the settled principle of law, which is being relied upon by the petitioner(s), copy of which have been appended with the writ petition.

The only objection being taken by the respondents is that till the petitioner(s) deposit their contribution for the period for which it was not deducted while the petitioner(s) were working on sanctioned post in the aided institution, along with interest, the said benefit cannot be extended.

Learned counsel for the petitioner(s) states that petitioner(s) have no objection in depositing the said contribution along with interest but submits that as the petitioner(s) will be entitled for arrears upon the re-fixation of their pensionary benefits after giving them the benefit of service which they have rendered in the aided institution against the sanctioned post, let the contribution which the petitioner(s) need to deposit along with interest be deducted from the said arrears and the remaining benefits be paid to the petitioner(s).

Learned counsel for the respondents raises no objection for the same.

Keeping in view the above, as the respondents have not disputed the entitlement of the petitioner(s) with regard to counting of their service rendered in the Government aided institution against the sanctioned post, as qualifying service for computing their pensionary benefits, let the said benefit be extended to the petitioner(s) by the respondents forthwith.

The respondents are also directed to re-compute the pensionary benefits of the petitioner(s) after giving the benefits of their service rendered with the Government aided institution and compute the arrears for which the petitioner(s) become entitled for. The employee's share of contribution which the petitioner(s) need to deposit for the said period, which was not deducted, along with interest be calculated by the respondents and the respondents shall deduct the same from the arrears and the remaining amount of arrears be released to the petitioner(s). Let the respondents do the needful within a period of two months from the receipt of copy of this order.

Both the writ petitions are allowed in above terms.

A photocopy of this order be placed on the file of other connected case.

September 12, 2022 **(HARSIMRAN SINGH SETHI)**
harsha **JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : Yes