

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 106

Civil Writ Petition No.2182 of 2023**Date of Decision: October 18, 2023**Smt. Shalu

..... PETITIONER(S)

*VERSUS*State of Haryana & others

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

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PRESENT: - Mr. Ganesh Kumar Sharma, Advocate, for the petitioner.Mr. Sanjeev Kaushik, Additional Advocate General,
Haryana.

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Tribhuvan Dahiya, J (Oral)

The petition has been filed seeking a writ of *certiorari* to quash the speaking order, dated 09.08.2022, Annexure P-18, passed by this Court, whereby petitioner's past service rendered in Kendriya Vidyalaya Sanghathan (KVS) has not been counted for the entire duration from 23.10.2003 to 14.12.2013; instead, it has been counted w.e.f. 07.06.2012 to 14.12.2013. It has also been prayed that benefit of ACP scheme and fixation of pay (pay protection) should also be granted to her on the basis of past service.

2. Mr. Sanjeev Kaushik, Additional Advocate General, Haryana, on written instructions, dated 23.08.2023, submits that petitioner's case for counting of entire service rendered by her in KVS from 23.10.2003 to 14.12.2013 for the purposes of pension in terms of instructions, dated

07.01.2002, is under consideration of the Department. He further submits that there is no provision for grant of pay fixation or benefit under ACP scheme by counting the previous service of an employee.

3. Learned counsel for the petitioner is also not in a position to refer to any rule or regulation which entitles the petitioner to claim the benefit of pay fixation or ACP scheme on the basis of service rendered with previous employer/KVS. In view thereof, her claim for grant of pay protection and benefit under ACP scheme is not maintainable, and accordingly stands rejected. So far as the second claim for counting her past service towards pensionary benefits is concerned, which is pending consideration, respondent No.2/Director, Department of Secondary Education, is directed to take appropriate decision in that regard in accordance with law, within a period of three months.

4. Disposed of.

(Tribhuvan Dahiya)
Judge

October 18, 2023

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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No