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

**CWP No. 24018 of 2016  
Date of Decision: 16.02.2023**

**Lokesh Kumar Anand**

**.....Petitioner**

**Vs**

**State of Haryana and Others**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: None for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Pratyush Sood, Advocate for  
Ms. Swati Dayalan, Advocate  
for respondent No.4.

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**RAJ MOHAN SINGH, J.(Oral)**

The petitioner has preferred this petition for the issuance of a writ in the nature in Mandamus for directing the respondents to count the previous service rendered by the petitioner in the department i.e. Haryana State Small Industries and Export Corporation Limited as qualifying service for pension along with all consequential benefits and arrears.

On 03.09.2019 the following order was passed.

*“Learned counsel for the respondents argues that keeping in view the order passed by the Division Bench in LPA No.1105 of 2017 titled as The State of*

*Haryana and others Vs. Nathu Singh, decided on 29.05.2018, the claim of the petitioner(s) in the present writ petition has already been answered against them.*

*As there is no representation on behalf of the petitioner(s), adjourned to 22.10.2019.*

*Let the next date be informed to learned counsel for the petitioner(s) by the Registry.*

*It is made clear that in case no one appears on behalf of the petitioner(s) on the next date of hearing, appropriate order will be passed.*

*A photocopy of this order be placed on the files of other connected cases.*

September 03, 2019  
Kanchan

(HARSIMRAN SINGH SETHI)  
JUDGE.”

Para 4 of the written statement reads as under:-

“That the petitioner has never objected to the appointment order No.Admn/4/50-R/Retrenched employee/15514-A, dated 31.10.2006 (Annexure P-2) issued to him at the time of his fresh appointment in this department with some conditions. The petitioner accepted these conditions without submitting any grievance or objection against these conditions and got retired on attaining the age of superannuation i.e. 58 years on 30.04.2014. The condition No.1 which was incorporated in the appointment letter is reproduced below:-

Your appointment is made afresh on available Group C and D post and you will be entitled to draw minimum pay of the post being offered. Accordingly, you will not claim any benefit of past service for the period prior to retrenchment as per your declaration on oath or for the period you remained out of service as a

result of retrenchment in any manner.

So the petitioners bound by his affidavit dated 05.07.2006 (Annexure R-1) and above stated terms and conditions of the policy dated 21.06.2006 (Annexure P-1) and the terms and conditions of the appointment letter. (Annexure P-2) now he cannot be allowed to turn back either legally or even on the basis of equity.”

The issue pending before the Division Bench in LPA No.1105 of 2017 has been decided against the petitioner by observing that the respondent with his open eyes joined the service in terms and conditions as laid down in letter of appointment and thereafter continued to serve the department for a long period without raising any grievance or challenging the terms of his appointment, therefore, he cannot be permitted to turn around and say that the past service be counted for the purposes of pensionary benefits. Para 22 of the judgment dated 29.05.2018 passed by the Division Bench in ***LPA No.1105 of 2017 tiled State of Haryana and others Vs. Nathu Singh*** reads as under:-

*“In the case in hand as well, as has been noticed above, there were specific conditions laid down in the letter of offer of appointment regarding appointment being afresh; at the beginning of the scale; to be placed at the bottom of the seniority and with no benefit of past service. Specific condition was there that in case the aforesaid conditions are acceptable to the person concerned, he may join service. The respondent with his eyes open joined service. Meaning thereby, he accepted all*

*the terms and conditions as laid down in the letter of offer of appointment. Further, he continued to serve the department for a period of more than six years without raising any grievance or challenging the terms of his appointment or the scheme under which his appointment had been made. He, now cannot be permitted to turn around and file a petition nearly two years after his retirement claiming that his past service be counted for the purpose of pensionary benefits especially, when the service rendered in the Corporation, was not pensionable.”*

In view of the aforesaid factual position and in view of the order dated 03.09.2019, no indulgence can be granted in favour of the petitioner.

Dismissed.

**(RAJ MOHAN SINGH)**  
**JUDGE**

16<sup>th</sup> February, 2023  
*sapna*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |