

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CWP No. 4326 of 2013
Date of decision: 06.02.2023

Karnail Singh

.....Petitioner

Versus

The Punjab State Power Corporation Limited and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sandeep Bansal, Advocae with
Mr. Anubhav Bansal, Advocate for the petitioner.
Ms. Meena Bansal, Advocate for the respondents.

PANKAJ JAIN, J. (ORAL)

Present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ of Certiorari, Mandamus or any other appropriate writ, order or direction by way of issuing a writ of Certiorari quashing the impugned order dated 12.11.2012 (Annexure P-3) and impugned office order dated 31.05.2011 (Annexure P-1) whereby the claim of the petitioner for counting 525 days service of No pay period as qualifying service for pension stands declined.

Bare perusal of Annexure P-3 would reveal that the reason for not counting the same has been spelt out as under:

“It is mentioned here that vide office order no. 308 dated 21.11.2003 & 325 dated 29.09.2004 the competent authority decided that his absence period shall be treated as leave of the kind due. It is further mentioned here that the earned leave, commuted leave due to him in his leave account have already been sanctioned and all the dues/benefits already

given to him, Extraordinary leave (without pay) has been sanctioned for the balance period for which leave is not available in his leave account. It is further mentioned here that as per Rule 4.9 (b) (ii) of PSEB Main Service Regulations 1972 Volume 1 Part I all leave except extraordinary leave taken otherwise than on medical certified and the period of deputation out of India shall count for increment in the time scale applicable to a post in which a Board employee was officiating at the time he proceeded on leave or deputation out of India and would have continued to officiate but of his proceeding on leave on deputation out of India. Further as per Punjab Civil Service Rules Volume II (Rules Relating to Pensions and Provident Funds) vide rule 4.7 time passed by a Government employee on leave of all kind except extraordinary leave, other than the extraordinary leave counted towards increment under rule 4.9 (b) Volume 1, shall count as service qualifying for pension. As per record in the personal file of the petitioner, while sanctioning the extraordinary leave vide Dy. Secretary/ENG-2 PSEB Patiala o/o No. 1607/ENG-27 (28) 440 dated 09.09.2005, and this office order no. 481 dated 07.11.2005 it has clearly been mentioned that the period of leave without pay shall not be counted towards the service/Financial benefits/increment (photocopy attached). Sh. Karnail Singh AAE has not appealed against the orders of Dy. Secretary PSEB, Patiala and Addl. SE Op PSEB Patti. These orders have become final between the parties and the petitioner can not challenge these now by way of

writ petition after the period of limitation and after superannuation of the petitioner.

In view of the above, the claim of the petitioner for grant of benefit for the extraordinary leave mentioned at 2(a) & (b) above cannot be entertained.”

Learned counsel for the petitioner does not dispute that the petitioner has not challenged the aforesaid order dated 09.09.2005 and that dated 07.11.2005 till date. Even in the present writ petition, no challenge has been laid to the aforesaid order.

In view of the aforesaid fact, till the petitioner raises challenge to the same, no relief has prayed can be granted.

Resultantly, the present writ petition is dismissed.

06.02.2023
Rajeev (rvs)

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No