

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

204

CWP-27356-2015

Date of Decision : October 16, 2023

Mohinder Dutt Sharma**...Petitioner**

Versus

State of Haryana and others**... Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Gaurav Tyagi, Advocate for
Mr. S.S. Kharb, Advocate for the petitioner.

Mr. Saurabh Mohuna, DAG, Haryana.

Mr. I.S. Sidhu, Advocate for respondent No.5.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance of the petitioner is that services which the petitioner had rendered while working on the post of Sub Inspector in the department of Food and Supply has not been taken into account as qualifying service for computing his pensionary benefits, which act of the respondents, according to the petitioner, is not justifiable and claim of the petitioner is that his case is covered under Rule 3.17-A of the Punjab Civil Services Rules (as applicable to Haryana) for the grant of benefit of service in question to be treated as qualifying service.

2. Learned State counsel on the other hand submits that claim of the petitioner cannot be allowed on the ground that as per Section 3.17-A read with Rule 4.23 of the Punjab Civil Services Rules (as applicable to

Haryana) where there is an interruption in the service of more than one year between two period of services, the said interruption cannot be condoned so as to treat the said service as qualifying service for computing the same for the grant of pensionary benefits. Learned counsel for the respondents further submits that in the present case, the petitioner had worked on the post of Sub Inspector in the Food and Supply department from 13.04.1973 to 11.09.1978 and he was thereafter appointed in the department of Education on 14.09.1979 and period of interruption between the two services is more than one year hence, the claim of the petitioner is not covered under Rule 3.17-A of the Punjab Civil Services Rules (as applicable to Haryana), which is to be brought into operation for determining the qualifying service.

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

4. It is a conceded fact that the qualifying service to be taken into account for computing the pensionary benefits is to be determined in accordance with law keeping in view the rules governing the service. It is also a conceded position that in the present case, Rule 3.17-A of the Punjab Civil Services Rules (as applicable to Haryana) is to be taken into account as to what service rendered by the petitioner can be taken into account as qualifying service. Rule 3.17-A is reproduced as under:-

3.17-A (a):- All service interrupted or continuous followed by confirmation shall be treated as qualifying service; the period of break shall be omitted while working out aggregate service”

5. A bare perusal of the above would show that said rule envisages that interruption in two services is to be taken into account as qualifying service but interruption which is more than one year, the same cannot be

condoned.

6. In the present case, interruption between two services rendered by the petitioner with the department of Food and Supply and Education department is more than one year hence, claim of the petitioner for considering the service rendered by him in the department of Food and Supply starting from 13.04.1973 to 11.09.1978 as qualifying service cannot be accepted and the said service cannot be taken into account as valid service. Rules are very clear in this regard.

7. Learned counsel for the petitioner has not been able to convince as to how the claim raised by the petitioner is covered under Rule 3.17 (a) of the of the Punjab Civil Services Rules (as applicable to Haryana), which is also being relied upon by the petitioner.

8. Keeping in view the totality of the facts and circumstances noticed hereinabove, no relief can be granted to the petitioner and the present petition is accordingly dismissed.

October 16, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No