

CM-1565-CWP-2023
IN/AND CWP-20217-2022

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2023:PHHC:147659

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-1565-CWP-2023
IN/AND CWP-20217-2022
Date of Decision:21.11.2023

PARIKSHIT BANSAL

..... Petitioner

Versus

UNION OF INDIA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Kapil Kakkar, Advocate
for the applicant-petitioner.

Mr. Arun Gosain, Senior Panel Counsel
for the respondents- UOI.

JAGMOHAN BANSAL, J. (Oral)

CM-1565-CWP-2023

Application for placing on record additional documents, is allowed, in view of the averments made in the application, duly supported by affidavit. Said document is taken on record. Office to append the same at appropriate place.

CM stands disposed of.

CWP-20217-2022

1. On 07.09.2022, the following order was passed:

“Learned counsel for the petitioner submits that the post on which the petitioner was appointed (Annexure P-1) is a pensionable post and appointment to which was only on contractual basis, prior to 03.07.2014. Whereafter NIPER had enforced the policy to

make appointment on regular basis as per notification G.S.R. 433(E) dated 03.07.2014. Learned counsel further submits that once the past service rendered by the petitioner is counted for the purpose of granting retirement/terminal benefits with the services at NIPER w.e.f 04.07.2004, as per office order dated 18.10.2006 (Annexure P-3), the same has also to be taken into reckoning for grant of pension. It is also borne out from the record that the contractual employment of the petitioner was not extended beyond 31.03.2013.

Learned counsel to first address the Court on the issue whether the appointment on contractual basis would be pensionable or not and refer to the relevant service rules in that regard.

At this stage, Mr. Arun Gosain, Senior Panel Counsel puts in appearance on behalf of the respondent Nos.1 and 2 and seeks short accommodation to assist the Court on the above issue(s).

On request, adjourned to 27.09.2022.”

2. Learned counsel for the respondents submits that as per judgment of Himachal Pradesh High Court in ***‘Sheela Devi Vs. State of Himachal Pradesh and another’ AIR Online 2019 HP 1162***, the past service as contractual employee cannot be considered for pension.

3. Learned counsel for the petitioner submits that aforecited judgment stands overruled by Hon’ble Supreme Court in ***‘Sheela Devi Vs. State of Himachal Pradesh and another’ 2023 Livelaw SC 662***.

4. Faced with this, learned counsel for the respondents submits that matter may be disposed of in the light of judgment of Hon’ble

Supreme Court.

5. As per judgment of Supreme Court in *Sheela Devi* (supra), the contractual service of the petitioner needs to be counted for the purpose of pension.

6. In the light of judgment of Supreme Court in *Sheela Devi* (supra), the present petition stands deserved to be allowed and accordingly allowed. The needful shall be done within 6 months from today.

(JAGMOHAN BANSAL)
JUDGE

21.11.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>