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

CWP No.871 of 2017 (O&M)
Date of Decision: 11.04.2023

RAVINDER PAL
......Petitioner
Vs
STATE OF HARYANA AND ORS
.....Respondents

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

Present: Mr. Sandeep Singal, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, D.A.G., Haryana.

Mr. Deepak Balyan, Advocate
for the respondent No.4.
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RAJ MOHAN SINGH, J.(Oral)

[1]. The petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of certiorari, quashing the letters dated 30.07.2015 and 08.01.2016 issued by the respondent No.2 declining the prayer of the petitioner for counting of his past service for the purpose of computing total length of service for pensionary benefits in the present Department.

[2]. Admittedly, the petitioner was appointed substantively

as a Lab Chemist in the Haryana Cooperative Sugar Mill Ltd., Rohtak in the year 1983. During his employment in the Haryana Cooperative Sugar Mill Ltd., he was appointed as a Taxation Inspector on 18.04.1990. The appointment of the petitioner as the Taxation Inspector was ultimately quashed by the Hon'ble Apex Court vide judgment dated 12.05.1994.

[3]. Thereafter the petitioner was appointed as Senior Scientific Officer (Scene of Crime) in the present Department vide letter of appointment dated 14.07.2004. Now the petitioner stands retired on 30.06.2018.

[4]. The issue is regarding computation of length of service of the petitioner in the Haryana Cooperative Sugar Mill Ltd., Rohtak for the purpose of total length of qualifying service towards pension. The prayer has been rejected on the basis of office memorandum dated 07.01.2002, wherein the scope of memorandum was confined to those employees, who have been absorbed in the service with the prior sanction of the present employer or the appointment of the employee on transfer basis.

[5]. Even, if it is found to be arguable whether the aforesaid memorandum strictly applies to the case of the petitioner in view of Rule 4.23 of the Civil Services Rule Volume II, the case of the petitioner does not fall under the conditions in which interruption

can be condoned.

[6]. Evidently, the period of employment of the petitioner in Haryana Cooperative Sugar Mill Ltd., Rohtak was non-pensionable in character, therefore, non-pensionable period cannot be computed for the grant of pensionary benefits on the present post for which the petitioner is entitled to his actual pension on the basis of service rendered by him in the present Department. The appointment of the petitioner on the post of Taxation Inspector was quashed by the Hon'ble Apex Court. The interruption is more than 10 years. Even otherwise, the period of service of the petitioner as a Chemist in Haryana Cooperative Sugar Mill Ltd., Rohtak was non-pensionable, therefore, no benefit can be granted to the petitioner in the context of computation of such period towards total length of service for pensionary benefits. Consequently, this writ petition stands dismissed.

(RAJ MOHAN SINGH)
JUDGE

April 11, 2023
Atik

Whether speaking/reasoned Yes/No

Whether reportable Yes/No