

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

**RSA-210 of 2020(O&M)  
Date of Order:17.10.2023**

**Smt. Hardie**

**.Appellant**

**Versus**

**Managing Director and others**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Sunny Namdev, Advocate  
for the appellant.**

**ANIL KSHETARPAL, J**

1. In this second appeal, the correctness of the concurrent findings of fact arrived at by the courts below is assailed by the plaintiff.

2. The appellant filed a suit on 24.02.2010, for grant of decree of declaration that her husband who retired on 31.08.2000, was entitled to pension by counting his service from 11.09.1972 to 01.04.1994. She also claims that her husband was also entitled to 1st, 2<sup>nd</sup> and 3<sup>rd</sup> increments under the Assured Career Progression Scheme. The benefits under the National Emergency Concession rules with respect to the period from 1962 to 1965 were also claimed.

3. The defendants while contesting the suit claimed that the appellant's husband in the beginning joined the Model Exotic Farm on 11.09.1972, which was in charge of Haryana Dairy Development Co-op. Federation Limited. Subsequently, on 01.04.1994, the appellant's husband was transferred to the Animal Husbandry Department. It was stated that the appellant's husband was not entitled to any benefits.

4. Both the courts on appreciation of evidence have concurrently

held that the appellant's husband was not entitled to the benefits she claims.

5. This Bench has heard the learned counsel representing the appellant at length and with his able assistance perused the paper book

6. The learned counsel representing the appellant contends that the appellant's husband served in the Model Exotic Farm from 11.09.1972 to 31.03.1994. He submits that the aforesaid service is required to be counted for grant of pensionary benefits. He further submits that the Relief under the National Emergency Concession Rules has also been wrongly denied.

7. This court has considered the submissions of the learned counsel representing the appellant.

8. It is evident that the retrial benefits upto 31.03.1994 have been paid to the appellant's husband on the basis of last pay drawn at the time of retirement through Department of Animal Husbandry. It is also evident that the appellant's husband gave in writing that he will claim pension from the date of joining in government service vide Ex.D1. Previously the appellant's husband was serving in the Federation. The appellant's husband was absorbed in Government service for the first time with effect from 01.04.1994, whereas he retired in the year 2000. Hence, the appellant's husband was neither entitled to any pension from the Haryana Government nor the ACP because he served only for a period of six months in Haryana Animal Husbandry Department. The benefit of National Emergency Concession Rules also could not be given as the appellant's husband joined the department after a gap of 12 years. Moreover, the appellant filed a suit after 12 years from the date her husband retired.

9. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

RSA-210 of 2020(O&M)-3-2023:PHHC:136178

10. Dismissed, accordingly.

11. All the pending miscellaneous applications, if any, are also disposed of.

October 17, 2023nt

(ANIL KSHETARPAL)JUDGE

Whether speaking/reasoned:YES/NO

Whether reportable:YES/NO