

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

111

CWP-63-2023

Date of decision:06.01.2023

Sunil Datt Kush

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Naveen Batra, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

Instant writ petition has been filed under Article 226/227 of Constitution of India for issuance of a writ in the nature of mandamus for directing the respondents to treat the service rendered by the petitioner with Fish Farming Development Agency (F.F.D.A.) as qualifying service for the purposes of grant of pensionary benefits.

Counsel for the petitioner submits that the petitioner was appointed as an Overseer/Sectional Officer with the F.F.D.A. on *ad hoc* basis. He joined service on 06.01.1986, was regularized a year later and worked with F.F.D.A. till 26.05.2004. In the year 2004, F.F.D.A. was merged with the Department of Fisheries and all the employees were absorbed in the Fisheries Department. Counsel submits that the petitioner superannuated on attaining the age of retirement on 31.08.2019. He submits that service rendered by the petitioner with the F.F.D.A. has been counted for the purposes of pay protection, ACP, leave encashment, etc., however, the said period has not been taken into consideration for calculation of pension payable to the petitioner. Counsel submits that the petitioner has served a legal notice, Annexure P-1, but to no avail. By relying upon judgment dated 13.12.2019, Annexure P-2, passed by this

Court, counsel urges that this Court has directed that the period rendered by the employees with the F.F.D.A. prior to its merger with the Department of Fisheries, be treated as qualifying service for the purposes of pension. Still further, by making a reference to the directions passed, counsel submits that this Court has ordered that the petitioner's contribution towards G.P.F. and interest be deducted from the arrears of the recalculated pensionary benefits. Counsel submits that this judgment has attained finality.

Notice of motion.

On asking of the Court, Mr. Pankaj Middha, Addl. A. G., Haryana, accepts notice on behalf of the respondents.

In view of the nature of order proposed to be passed, this Court does not deem it necessary to call upon the respondents to file a response.

Having heard counsel for the parties, but without examining the merits of the grievance raised, writ petition is disposed of with a direction to respondent No.2 to consider the claim of the petitioner in the light of judgment, Annexure P-2, and pass an appropriate administrative order within a period of 04 months from the date of receipt of certified copy of this order. In case, the petitioner is found due to the ensuing benefits, the same be paid to him within a period of 03 months thereafter.

06.01.2023

sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No