

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

2024:PHHC:011127
CWP-1795-2024 (O&M)
Date of Decision: 29.01.2024

Munish Kumar Gandhi

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Kshitiz Goel, Advocate for
Mr. Narender Singh Lucky, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this writ petition claims his appointment retrospectively from 04.12.1998, when he was initially appointed with the respondents' department on contract basis as a Fashion Designing Instructor, where he worked upto 04.02.2010.
2. Learned counsel submits that the petitioner was selected on the post of Cutting and Tailoring Instructor and appointment letter was issued to him on 05.02.2010 and his period of service rendered with the respondents has already been counted for the purposes of qualifying service and in view thereof he should be placed under the 'Old Pension Scheme' and be given the benefit of his service rendered with the respondents' department.
3. I have considered the submissions.
4. The claim of the petitioner is wholly misconceived, as he worked on contract basis on a post of Fashion Designing Instructor from 04.12.1998 to 04.02.2010. The post of Cutting and Tailoring Instructor is a

fresh appointment having undergone a regular selection process and, therefore, his appointment as a Cutting and Tailoring Instructor has to be from the date of appointment i.e. 05.02.2010. The conditions of services as governing on the post of Cutting and Tailoring Instructor would apply to him from the said date alone. His appointment on Cutting and Tailoring Instructor cannot be made retrospective from the date he worked as Fashion Designing Instructor. Although the period from 04.12.1998 to 04.02.2010 may be treated correctly as part of the qualifying service, but the appointment of the petitioner as Cutting and Tailoring Instructor cannot at the same time be made retrospective from an earlier date. The New Defined Pension Scheme which was applicable on the date when the petitioner accepted appointment on the post of Cutting and Tailoring Instructor would, therefore, apply on him.

5. The writ petition is devoid of merit and is accordingly dismissed.
6. Dismissed as withdrawn.
7. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

29.01.2024

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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |