

CWP-13837-1998 (O&M)
Date of decision: 15.04.2024

....Petitioner

State of Punjab and Others

...Respondents

Mr. Arun Gupta, DAG Punjab

AMAN CHAUDHARY. J. (ORAL)

1. The present petition has been filed for declaring the action of the respondents in not granting the pensionary benefits to the petitioner.
2. Learned counsel for the petitioner fairly states that the Civil Writ Petition No.7837 of 1997, on which, reliance had been placed at the time of filing the present petition, stands dismissed vide order dated 16.09.1999, which reads thus:

“No occasion at all arises to interfere in this matter re-grant of pension to the petitioner as he resigned from the post held by him. Rule 7 5(1) of Punjab Civil Service Rules Volume-1, Part I and Rule 3 17-A(1)(v) of Volume II, which do not permit payment of pension in such an event, i.e. in the event of resignation, read thus:-

“7 5(1) Resignation from a service or a post, unless it is allowed to be withdrawn in public interest by the appointing authority, entails forfeiture of past service
3 17-A(1) Subject to the provisions of Rule 4 23 and other rules and except in the cases mentioned below, all services rendered on establishment, interrupted or continuous shall count as qualifying service:

(i) to (iv)

XX

XX

(v) Service preceding resignation except where such resignation is allowed to be withdrawn in public interest by the appointing authority as provided in the relevant rules or where such resignation has been submitted to

take up, with proper permission, another appointment whether temporary or permanent, under the Government where service qualifies for pension." Dismissed."

3. In view of the above, the present petition also stands dismissed.

(AMAN CHAUDHARY)
JUDGE

15.04.2024
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No