

CWP-4490-2002 (O&M)

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

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CWP-4490-2002 (O&M)
Date of Decision : 16.05.2024

SANT RAM NANDA

... PETITIONER

Versus

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

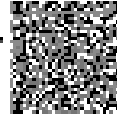
Present: None for the petitioner.

Mr. Pawan Kumar, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 19.12.1996 (Annexure P-4) whereby respondent has refused to grant service rendered by him in CRPF towards pensionary benefits.

2. The petitioner from October' 1964 to December' 1968 worked with Central Reserve Police Force (for short 'CRPF') as Head Constable (Radio Mechanic). He without seeking permission from his parent department applied for the post of Constable in Punjab Police. He applied as an ex-serviceman. He was selected but he did not join and sought extension upto 20.12.1968. He, at that point of time, was working with CRPF. He resigned from the post of Head Constable in CRPF on 09.12.1968 and joined Punjab Police on 10.12.1968. He claims that



service rendered with CRPF should be counted for pensionary benefits to be granted by Punjab Police.

3. Mr. Pawan Kumar, DAG, Punjab, submits that as per Rule 3.17 A (1)(v) of Punjab Civil Services Rule (Vol. II), if a person resigns without proper permission, the service rendered preceding resignation cannot be counted. The relevant extracts of Rule 3.17 A (1) (v) of Punjab Civil Service Rule are reproduced as below :

“Rule 3.17-A. *(1) Subject to the provisions of rule 4.23 and other rules and except in the cases mentioned below, all service rendered on establishment, interrupted or continuous, shall count as qualifying service:—*

- (i) Omitted.*
- (ii) Omitted.*
- (iii) Casual or daily rated service.*
- (iv) Suspension adjudged as a specific penalty.*

Note.— In cases where an officer dies or is permitted to retire while under suspension will not be treated as an interruption.

- (v) Service preceding resignation except where such resignation is allowed to be withdrawn in public interest by the appointing authority as provided in the relevant rules or where such resignation has been submitted to take up, with proper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.*

4. The petitioner resigned CRPF and sought appointment with respondent without seeking proper permission, thus, the service rendered with CRPF cannot be counted for the purpose of qualifying service of pension.



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5. In the wake of afore-cited Rule, the claim of petitioner is not sustainable. Accordingly, the present petition is hereby dismissed.

6. Pending miscellaneous application, if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

16.05.2024
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>