

Neutral Citation No. 2024:PHHC:012713

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

109

RSA-2802-1997 (O&M)
Date of Decision:30.01.2024

The Punjab State and others

... Appellants

Sat Pal Singh Bedi

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Athar Ahmed, DAG, Punjab
for the appellants.

Mr. Kuldip Beniwal, Advocate
for the respondent.

SUVIR SEHGAL, J.(ORAL)

1. State-defendants are in second appeal before this Court assailing the concurrent finding of fact recorded by both the courts below.
2. Brief factual position may be noticed.
3. Sat Pal Singh Bedi, plaintiff-respondent filed a suit in a representative capacity claiming that the entire service rendered by him should be reckoned as qualifying service for the purposes of pensionary benefits. It was pleaded that he and his colleagues joined a school being run by District Board, Gurdaspur on temporary or probation basis. District Board, Gurdaspur was superseded by the State of Punjab w.e.f. 01.10.1957 and the services of the plaintiff-respondent and his colleagues were continuous under the State. However, they have not been given the benefit of the service rendered

by them prior to being taken over by the State.

4. Upon notice, defendants-appellants No. 1, 3 and 4 filed a joint written statement contesting the suit. The factual averments were admitted, however, it was stated that the services of the plaintiff have been counted with effect from the date from which he started contributing to the GPF and when the GPF was being deducted from their salary on confirmation in service. Plaintiff-respondent filed a replication.

5. Issues were framed and after the parties lead evidence, trial Court decreed the suit vide judgment and decree dated 30.07.1996. State-defendants remained unsuccessful before the first appellate Court and their appeal was rejected vide judgment dated 24.02.1997. Hence, the second appeal.

6. I have heard counsel for the parties and considered their respective submissions.

7. The sole question which arises to be considered in this second appeal is as to whether the services rendered by the plaintiff-respondent and his colleagues prior to taking over of the school by the Government, is liable to be counted for the purposes of pensionary benefits? This issue has been finally settled by a Division Bench of this Court in ***Ranjit Singh Grewal and others Versus State of Punjab and others***, 2003(1) SCT 767 and it has been held as under:-

“4. We are of the considered opinion that there is no merit in the submissions made by the learned counsel for the petitioners. We are of the opinion that the aforesaid judgment is of no assistance to the petitioners, but rather supports the case of the

respondents. The petitioners therein were employees of the Municipal Corporation. The services of the petitioners therein had been directed to be regularised by resolution dated 20.6.1968. Subsequently, their representation was accepted and their services were regularised with effect from the date of their initial appointment. However as earlier to 1968, the petitioners had not been regularly appointed, they are not directed to deposit the GPF contribution. It was pleaded by Municipal Corporation that since the petitioners therein had not paid the GPF contribution for the period between the initial date of appointment till 28.2.1968, the benefit of the service could not be given. This plea was rejected by the Division Bench and it was held that since the services of the petitioners therein had been regularised from the dates of initial appointment, the entire service rendered by the petitioners therein was to count for qualifying service. This was so because regular employees of the Municipal Corporation were making contribution to the GPF. In the present case, the service rendered by the petitioners from 1970-71 to 1.4.81, ie. the date from which the petitioner came under the contributory Provident Fund Account was rendered on a non-pensionable post. Therefore, the petitioners have been rightly denied the benefit of the service rendered between 1970-71 till 1.4.81.

5. In view of the above, we find no merit in these two writ petitions and the same are hereby dismissed. No costs.”

8. In view of the clear enunciation of law by a Division Bench of this Court, this Court is of the view that the judgment and decree

passed by both the courts below cannot be sustained.

9. Appeal is allowed. Judgments and decrees passed by the court below are set aside and suit of the plaintiff-respondent is dismissed with no orders as to costs.

30.01.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

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