

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CWP-14089-2019 (O&M)
Date of decision: 03.05.2024

Haqiqat Singh

....Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vipin Mahajan, Advocate for the petitioner

Mr. Satnam Preet Singh, DAG Punjab

AMAN CHAUDHARY. J. (ORAL)

1. The present petition has been filed for quashing the order dated 15.04.2014 vide which claim of the petitioner to treat the service rendered by the petitioner in government aided privately managed school as qualifying service for the purpose of pensionary benefits has been wrongly denied.
2. Learned counsel would submit that the petitioner was appointed as Master in G.T.B. Khalsa Senior Secondary School, Khantpur, District Ropar, Punjab (now in District Fatehgarh Sahib) on 26.05.1960 and discharged his duties from the school on 01.05.1965, whereafter, he joined on 03.05.1965 in S.G.N. Khalsa Senior Secondary School, Yamuna Nagar, Haryana (erstwhile Punjab) and thereafter, he left the job for pursuing higher studies and qualified his M.A. examination and again was appointed as Master in the same school, where he worked from December, 1967 till March, 1968. He took an employment as Master in G.T.B. Khalsa Senior Secondary School, Khant Manpur from 01.05.1968 to 31.07.1993, the date on which, he retired on attaining the age of superannuation.

He submits that they were though two spells of small/insignificant breaks, regarding which, the issue is no longer res integra, for which reliance is placed on the judgments passed by this Court in **Sukhdev Singh and Others vs. State of Punjab and Others** in CWP-14238-1991, decided on 10.03.2010, Annexure P-3, **Ram Lubhaya Khanna and Others vs. The State of Punjab and Another** in CWP-14051-2005, decided on 17.05.2007, Annexure P-5, **Gurmeet Singh Virk vs. The State of Punjab and Others** in CWP-13831-2005, decided on 08.05.2007, Annexure P-11 and **Surinder Kaur Uppal vs. State of Punjab and Others** in LPA-63-2004, decided on 23.04.2009, Annexure P-12. Upon having approached this Court on a previous occasion by filing CWP-7018-2012, Annexure P-7, pursuant to disposal of which, speaking orders dated 15.04.2014, Annexure P-9 and P-10 were passed by placing reliance on the judgment in the case of **Jagdish Nahar vs. State of Haryana** in CWP-7694-1998, decided on 02.08.2002, which he submits that is not applicable to the case of the petitioner inasmuch as it relates to an employee, who was appointed after re-organisation of the State of Punjab & Haryana, while the petitioner was seeking the benefit of service as rendered prior to the aforesaid. He thus, at this stage, on instructions, submits that the petitioner would be satisfied, in case a time bound direction be given to the respondents to reconsider the claim of the petitioner in view of the aforesaid submission as also the judgments by granting him an opportunity of hearing.

3. Learned State counsel has no objection to the limited prayer made.

4. In view of the above and without commenting on the merits of the case, this petition is hereby disposed of with a direction to the respondents to reconsider and decide the claim of the petitioner taking note of the afore-referred judgments as also the aforesaid submissions, within a period of 6 months, which

this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to him and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to his interest, the same shall contain reasons and the petitioner shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

03.05.2024
M.Kamra

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