



CWP-12170-2020

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

(249)

CWP-12170-2020

Date of Decision : August 07, 2024

Kultar Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Madhav Pokhrel, Advocate, for the petitioner.

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

Mr. Nishant Maini, Advocate, for respondent No.2.

Mr. Amarjit Singh, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the claim of the petitioner is that the service which the petitioner had rendered with the Government Aided privately managed School prior to the joining of the Government institution, should be taken into account as a qualifying service for computing the pensionary benefits after the petitioner retired from the pensionable post while working with the respondent-Board.

2. As per the facts mentioned in the petition, the petitioner had been working with the S.D. Higher Secondary School, Amritsar from 12.02.1980 to 31.03.1985. Thereafter, the petitioner was selected as DPE Master in Government Adrash Senior Secondary School, Amritsar on



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12.10.1988 and he continued working as such till he attained the age of superannuation on 28.02.2014. At the time of retirement, the petitioner claimed that his services rendered as a DPE Master in the S.D. Higher Secondary School, Amritsar from 12.02.1980 to 31.03.1985 be also taken into account as a qualifying service and when the respondents did not give the said benefit to him, the petitioner approached this Court by filing CWP No.25520 of 2014 which was disposed of by this Court to decide the claim of the petitioner and keeping in view the direction given by this Court, the respondents have passed the impugned order dated 03.06.2020 (Annexure P-11) by which, the claim of the petitioner for the grant of benefit of the service rendered in S.D. Higher Secondary School, Amritsar in computing pensionary benefits, has been declined.

3. Learned counsel for the petitioner argues that the claim of the petitioner for counting the service rendered from 12.02.1980 to 31.03.1985 rendered in S.D. Higher Secondary School, Amritsar, is covered by the decision of the Coordinate Bench of this Court in ***CWP No.14238 of 1991 titled as Sukhdev Singh and others vs. State of Punjab, decided on 10.03.2010*** but while rejecting the claim, though the said judgment was brought to the notice of the respondents but the same has totally been ignored.

4. Learned counsel for the respondents, on the other hands, submits that the petitioner has been granted the benefit of the service which was rendered with the respondent-Board and no benefit of the service rendered with the privately managed aided institution can be given to the petitioner.



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5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The question whether the service rendered in the privately managed aided institution can be taken into account as a qualifying service for computing the pensionary benefits after the employee retired from a pensionable post while working with the institution of the Government of Punjab, has already been decided by the Coordinate Bench while passing order in ***Sukhdev Singh's case (supra)***. By a detailed judgment, the Coordinate Bench has held that in case, the service rendered in the Government aided privately managed institution, is followed by the service with the Government of Punjab or any Board or Corporation of the Government of Punjab, which is rendered on a pensionable post, the service rendered in a privately managed aided institution will be a valid service to be taken as qualifying service for computing the pensionary benefits.

7. Learned counsel for the respondents has not been able to rebut the fact that the similar relief, as being claimed by the petitioner in the present writ petition, has already been allowed in favour of the petitioners in ***Sukhdev Singh's case (supra)*** by the Coordinate Bench.

8. Keeping in view the reasons given by the Coordinate Bench in ***Sukhdev Singh's case (supra)***, the claim of the petitioner for counting his service rendered in S.D. Higher Secondary School, Amritsar from 12.02.1980 to 31.03.1985 is ordered to be taken into account as a qualifying service for computing the pensionary benefits. Let the pensionary benefits of the petitioner be re-calculated and the petitioner be granted the benefit of arrears as well.



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9. At this stage, learned counsel for the petitioner submits that the petitioner is also entitled for interest on the arrears.

10. It may be noticed that judgment in *Sukhdev Singh's case (supra)* was available with the respondents to be implemented upon the petitioner, when he retired on 28.02.2014. Without there being any valid justification, the claim of the petitioner has been rejected though, the petitioner was entitled for the benefit.

11. The petitioner has been before this Court for the last more than 10 years to seek his entitled benefits. That being so, coupled with the judgment of the Coordinate Bench of this Court in *J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355*, according to which, an employee will be entitled for interest, in case amount belonging to an employee, has been retained and used by the respondents, the petitioner is also held entitled for interest on the arrears of pension @ 6% per annum from the date the petitioner retired till the actual payment of the arrears. Let the order be complied with within a period of eight weeks of the receipt of copy of this order.

12. The present writ petition is allowed in above terms.

August 07, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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