

CWP- 16496-2015 (O&M)

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279 (02 cases)

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

Date of Decision: 07.08.2024

1. CWP-16496-2015 (O&M)

MOHINDER KUMAR

..... PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

2. CWP- 16497-2015 (O&M)

NIRMALA DEVI

..... PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vivek Sharma, Advocate for the petitioner(s).

Mr. Arun Gupta, DAG, Punjab.

Harsimran Singh Sethi J. (Oral)

By this common order, two writ petitions, the details of which have been given in the heading of the order, are being disposed of, as both



the petitions involve the same question of law based on similar facts. For the sake of convenience, the facts are being taken from CWP-16496-2015.

2. In present petition, the prayer of the petitioner is that the petitioner had worked in the State of Haryana before being appointed to a post in Government of Punjab and upon retirement, the petitioner is entitled for counting the services rendered by him in the State of Haryana as a qualifying service for computing the pensionary benefits.

3. Learned counsel for the petitioner submits that keeping in view the judgment of the Coordinate Bench passed in CWP No. 6980-2009 titled as ***Pratap Singh vs. State of Haryana*** decided on 23.10.2009, the petitioner is entitled for the grant of same benefit as granted therein.

4. Learned State Counsel, on the other hand, contends that the said issue has already been decided by the Division Bench of this Court in ***CWP-7694-1998*** titled as ***Mrs. Ranjit Nahar vs. State of Punjab*** decided on 02.08.2000.

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

6. It may be noticed that the judgment of the Division Bench in ***Mrs. Ranjit Nahar (supra)*** was delivered on 02.08.2000 but the said judgment was not brought to the notice of the Co-ordinate Bench while passing the order in ***Pratap Singh vs. State of Haryana*** that the service rendered by an employee in the State of Haryana cannot be treated as a qualifying service for computing pensionary benefits after an employee retires from the Government of Punjab. Hence, the benefit of the judgment



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of the Co-ordinate Bench passed in *Pratap Singh's case (supra)* cannot be given to the petitioner in view of the judgment of Division Bench in *Mrs. Ranjit Nahar (supra)* as well as the judgment passed by this Court in CWP-5021-2012 titled as *Gurdial Singh vs. State of Punjab etc.* decided on 03.05.2019 and in CWP-14558-2017 titled as *Hardev Singh vs. State of Punjab* decided on 05.08.2024.

7. Keeping in view the fact that the claim of the petitioner is contrary to the settled principle of law as settled by the Division Bench in *Mrs. Ranjit Nahar (supra)*, hence, no relief can be granted to the petitioners herein.

8. The present writ petitions are dismissed in above terms.

A photocopy of this order be placed on the file of other connected case.

August 07, 2024

Seema

(HARSIMRAN SINGH SETHI)

JUDGE

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