



CWP-21196-2013 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-21196-2013 (O&M)
Date of Decision :09.12.2024

Malkiat Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mukesh Arora, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present petition, the grievance being raised by the petitioner is that the petitioner was initially selected in the Military Engineering Service (M.E.S.) on 01.04.1982 and while he was working there, the petitioner applied for the post of Carpenter Instructor with the Industrial Training, Institute Bathinda, against which post the petitioner was selected. The petitioner continued working as such with the Government of Punjab and ultimately retired from service but the services rendered by the petitioner with the Military Engineering Service (M.E.S.) i.e. from 01.04.1982 to 11.04.1996 have not been taken into account as qualifying service for computing his pensionary benefits, which is the claim being raised by the petitioner in the present petition.

Upon notice of motion, the respondents have filed reply

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wherein, it has been stated that the petitioner had joined the respondent-department but the amount of GPF or GIS given by the previous department i.e. Military Engineering Service, was taken by the petitioner and hence, benefit of previous service rendered by the petitioner with the Military Engineering Service cannot be given to the petitioner unless and until the emoluments received from the earlier employer is to be refunded to the State of Punjab along with interest.

Learned counsel for the respondents submits that in the present case, the petitioner never informed the State of Punjab within a period of one year of joining that he had earlier served the Government of India and hence, the benefit of Rule 4.3 of the Punjab Civil Services rules Volume-II cannot be extended to him.

Learned counsel for the petitioner submits that whatever benefit which the petitioner had received at the time of being relieved from Military Engineering Service, the same will be refunded back to the Government of Punjab along with statutory interest of 12% and the respondents be directed to grant the petitioner the benefit of said service while computing his pensionary benefit admissible to him.

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

Once, the petitioner is ready to deposit the amount which he had received from the department of Military Engineering Service (M.E.S.) along with statutory interest up to the date of deposit, the respondents should grant the benefit of the said service while computing his pensionary benefits



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admissible to the petitioner upon being retired from the service of Government of Punjab.

Keeping in view the facts and circumstances of the present case, as the petitioner has already undertaken to refund the said amount received by him from Military Engineering Service (M.E.S.) along with statutory interest of 12% from the date he received the said amount up to the date of refund the same to the Government of Punjab, the respondents are directed that in case the petitioner deposits the said amount, his case of revision/review of his pensionary benefits be undertaken so as to grant him benefit of service which he had rendered with Military Engineering Service (M.E.S.) from 01.04.1982 to 11.04.1996 as a qualifying service so as to compute the pensionary benefits for which the petitioner is entitled for. In case, the petitioner deposits the said amount, the benefit be extended to him within a period of 08 weeks from the date of receipt of the amount from the petitioner.

Present petition stands disposed of in above terms.

Civil miscellaneous application pending if any is also disposed of.

December 09, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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