

**CWP-15318-2018****1****IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****(237)****CWP-15318-2018****Date of Decision : August 27, 2024****Shiv Charan Dass****.. Petitioner****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

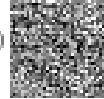
Present: Mr. Harinder Sharma, Advocate, for the petitioner.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the grievance being raised by the petitioner is that prior to joining on the post of Excise and Taxation Officer with the State of Punjab in the year 1989, the petitioner was working as Assistant Grade-III with the Food Corporation of India from 15.05.1978 till 12.05.1989.

2. Learned counsel for the petitioner submits that the said service rendered with Food Corporation of India has not been taken into account by the Government of Punjab while computing the pensionary and other retirement benefits of the petitioner hence, the respondents are liable to be directed to grant the petitioner the benefit of the instructions dated 14.05.1986 (Annexure P-3) qua the period spent as Assistant Grade-III in the Food Corporation of India from 15.05.1978 to 12.05.1989.

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3. Learned counsel for the respondents submits that the petitioner joined as Excise and Taxation Officer on 15.05.1989 and ultimately retired on 31.08.2012 but for a period of 23 years, no such grievance was ever raised. Learned counsel for the respondents further submits that even the present petition was filed after a period of six years of the retirement. Learned counsel for the respondents further submits that had the petitioner raised the grievance before the authorities concerned while in service or immediately after the retirement, appropriate consideration would have been given to the claim keeping in view the instructions issued by the Government of Punjab dated 14.05.1986 (Annexure P-3).

4. On being asked whether, the claim of the petitioner is covered by the instructions dated 14.05.1986 (Annexure P-3) as the Food Corporation of India is Central Government autonomous body for which the benefit has been extended in the said instructions, learned counsel for the respondents has not been able to rebut the fact that the claim of the petitioner for benefit is liable to be considered under the instructions dated 14.5.1986 (Annexure P-3).

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

6. Keeping in view the fact that the petitioner joined the Government of Punjab in the year 1989 and retired in the year 2012, the petitioner should have raised all these claims while in service. It is for the reason that in case the petitioner had raised the said claim while in service, the petitioner would have deposited the contribution for the period in question for which he has served the Food Corporation of India along with

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interest, as required for treating the period spent by the petitioner with the Food Corporation of India as a qualifying service.

7. Be that as it may, once the Government of Punjab has issued the instructions dated 14.05.1986 (Annexure P-3) under which, the claim of the petitioner for treating the period from 15.05.1978 to 12.05.1989 with the Food Corporation of India as Assistant Grade-III as qualifying service is covered, the respondents are directed to grant the benefit of the said service to the petitioner so as to recompute the pensionary benefits admissible to the petitioner. However, for the grant of the said benefit, the petitioner is required to deposit the contribution for the period in question along with statutory interest with the respondent-State.

8. Learned counsel for the petitioner submits that rather than asking the petitioner to deposit the statutory contribution along with statutory interest, the respondents be directed to adjust the said amount from the arrears admissible to the petitioner keeping in view the judgment of the Division Bench of this Court in ***LPA No.840 of 2011 titled as Punjab State Electricity Board vs. Prem Singh Shahi and others, decided on 25.05.2011.***

9. Learned counsel for the respondents is gracious enough to accept the said prayer in view of ***Prem Singh Shahi's case (supra)*** and submits that the claim of the petitioner for the grant of benefit of service rendered as Assistant Grade-III with the Food Corporation of India from 15.05.1978 to 12.05.1989 will be treated as a qualifying service and his pensionary benefits will be recomputed and after adjusting the payment to be made by the petitioner on account of subscription for the period in

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question along with statutory interest, the remaining amount from the arrears will be paid to the petitioner within a period of three months from the receipt of copy of this order.

10. Keeping in view the above, the present writ petition is disposed of with a direction that the pensionary benefits of the petitioner be revised by taking into account the period spent by the petitioner as Assistant Grade-III with the Food Corporation of India from 15.05.1978 to 12.05.1989 in view of the instructions issued by the Government of Punjab dated 14.05.1986 (Annexure P-3) as a qualifying service and re-calculate his pensionary benefits and the statutory contributions which were required to be deposited by the petitioner for the period he worked with the FCI along with statutory interest, will be deducted by the respondent-State after adjusting the same from the arrears of the pensionary benefits admissible to the petitioner.

**August 27, 2024***harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No