



CWP-18397-2020

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

(248)

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Date of Decision : December 09, 2024

Gugan Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.S. Bhinder, Advocate, with
Mr. D.S. Bhinder, Advocate,
Mr. K.M. Garg, Advocate and
Ms. Indira, Advocate, for the petitioner.

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

Mr. Vikas Chatrath, Advocate, for
Mr. Sandeep Jasuja, Advocate, for respondents No. 3 and 4.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that the petitioner is entitled for full salary by counting his adhoc service as a qualifying service for computing his pensionary benefits, which benefit is not being given to the petitioner and that too without any valid justification.

2. Learned counsel for the petitioner argues that as per Rule 3.17 A of the Punjab Civil Services Rules Volume II as interpreted by the Full Bench of this Court in *Kesar Chand Vs. State of Punjab and others*, AIR 1988 Punjab 265, the total length of service i.e. the adhoc period followed by the regularization, is to be taken into account for computing the

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qualifying service so as to compute the pensionary benefits, which is not being done in the case of the petitioner, which is causing prejudice to the petitioner.

3. Learned State counsel, at the outset, submits that the petitioner is an employee of aided institution and the management is his employer and all the dispute between the management and the employer keeping in view the judgment of the Division Bench of this Court in ***CR No.4315 of 2012 titled as Management of S.D. Model Senior Secondary School and another Vs. District Judge-cum- Service Tribunal and another, decided on 27.11.2013***, will lie before the Educational Tribunal.

4. Learned counsel for the petitioner submits that the petitioner be relegated to the jurisdiction of the Educational Tribunal, Punjab but as the pleadings are complete, let the paper book of the present petition be also sent to Educational Tribunal Punjab so as to save the precious time in completing the proceedings.

5. Learned counsel for the respondents raises no objection about the said fact.

6. Keeping in view the above, the petitioner is relegated to avail his remedy before the Educational Tribunal, Punjab.

7. As agreed between the parties, the Registry is directed to sent the paper book of this petition to the Educational Tribunal, Punjab and the Educational Tribunal, Punjab is requested to adjudicate the claim of the petitioner in light of the pleadings, which have already come on record by passing appropriate speaking order.



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8. Parties are directed to appear before the Educational Tribunal, Punjab on 15.01.2025.

9. The present writ petition is disposed of in above terms.

December 09, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No