

**RA-CW-404-2024 in
CWP No.7190 of 2000
Date of Decision : 21-10-2024**

STATE OF PUNJAB AND ANRRespondent(s)

Learned counsel for the petitioner submits that in one of the paragraph, the respondents have mentioned that the leave of the petitioner sanctioned upto the year 1993 hence, in case the said period is taken into account, the petitioner has completed 10 years of service.

Notice of motion.

Mr. T.P.S Chawla, Sr. DAG Punjab appeared and accepts notice on behalf of the respondent-State and submits that the petitioner is wrongly interpreting the averment made in the reply.

Learned State counsel further submits that even if it is assumed for the sake of argument that the leave was sanctioned then also, the petitioner does not have any claim.

Learned State counsel further submits that it is the conceded fact that the petitioner never joined back the service after the year 1990 and therefore, the plea of the petitioner that the extra-ordinary leave, even if, assumed for the sake of argument, is to be treated in favour of the petitioner than also, the said leave cannot be treated as a duty period so as to complete 10 years of service keeping in view the Rules governing the service.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

Learned counsel for the petitioner has not been able to show that the leave of the petitioner was ever sanctioned or not. The reasoning given in the review application that the respondents have conceded that the petitioner was on leave upto the year 1993 has been clarified by the respondents and a plain reading of the averments in the reply also show that the same has been done only to raise an argument and not for acceptance of a fact.

Not only this, the extra-ordinary leave cannot be taken into account as a service/duty period so as to grant the petitioner the benefit of 10 years of service for the grant of pensionary benefits.

Even otherwise, the grant of the benefit of pensionary service on completion of 10 years of service will only arise in case, the employee is retiring and not in case, his service are being terminated hence, no ground is made out for review of the order dated 16.09.2024 passed by this Court especially when the petitioner has actually worked from 1983 to 1990 only.

Hence, the present application for review of the order dated 16.09.2024 stands dismissed.

Present application, if any stands disposed of.

21-10-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE:	Whether speaking	: YES/NO
	Whether reportable	: YES/NO