

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

101

CWP-13446-1997

Date of Decision : **May 22, 2025**

DARSHAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present : Mr. R.S.Chauhan, Advocate for the petitioner.
Mr. Vikas Arora, DAG, Punjab.
Mr. M.S.Virk, Advocate for respondent No.3.

DEEPINDER SINGH NALWA, J. (Oral)

1. In the present writ petition, the petitioner is praying for issuance of direction to the respondents to release the retiral benefits after taking into consideration the date of his appointment as 17.7.1954 instead of 1.2.1968.
2. Brief facts of the case are that the petitioner was appointed as a driver on temporary basis vide resolution dated 16.9.1954. The petitioner retired on attaining the age of superannuation on 30.6.1994. The retiral benefits were released to the petitioner by taking into consideration his date of appointment as 1.2.1968. The petitioner submitted number of representations before the respondents wherein, it was requested that for the purpose of grant of retiral benefits, his date of appointment be taken as 17.7.1954 instead of 1.2.1968, however, no action was taken by the respondents, as a consequence of this, the petitioner has filed the present writ petition.
3. Learned counsel appearing on behalf of the petitioner submits that as the petitioner was appointed on temporary basis on 17.7.1954 which was approved on 16.9.1954, as such, the service rendered by the petitioner from 16.9.1954 should be taken as a qualifying service for the purpose of grant of the retiral benefits.

4. Learned counsel appearing on behalf of the respondents submits that the petitioner was appointed on temporary basis on 17.7.1954 and the abovesaid appointment was approved on 16.9.1954. It is the case of the learned counsel for the respondents that infact the services of the petitioner were regularized w.e.f. 1.2.1968 and was granted regular pay scale w.e.f. the abovesaid date.

5. I have heard the learned counsel for the parties and have gone through the records.

6. A perusal of facts of the present case would show that the petitioner was appointed on temporary basis on 17.7.1954. The above said appointment was approved by the respondents on 16.9.1954. The petitioner retired on 30.6.1994 after attaining the age of superannuation and thereafter the respondents after taking into consideration the date of regularization as 1.2.1968, had released the retiral benefits. No rules/instructions have been brought to the notice of this Court that the services rendered by the petitioner on temporary basis should be treated as a qualifying service for the purpose of granting of retiral benefits. As no rule/instructions have been brought to the notice of this Court that temporary service of an employee before regularisation has to be taken into consideration as qualifying service for the purpose of retiral benefits, as such no relief can be granted to the petitioner. Accordingly, the present writ petition is dismissed being bereft of merits.

May 22, 2025
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(DEEPINDER SINGH NALWA)
JUDGE

Whether speaking/reasoned. : Yes
Whether Reportable. : Yes/No