



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CWP No. 11529 of 2019 (O&M)

Date of Decision : 18.07.2025

Jaskaran Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Sangwan, Advocate for
Mr. Jasbir Singh, Advocate for the petitioner.

Mr. Himanshu Raj, Additional Advocate General, Punjab.

Mr. B.S. Khehar, Advocate for respondents No. 2 and 3.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the period wherein he was working as a Stenographer Grade-III in the District Court, U.T., Chandigarh, on which post he was appointed on 19.01.2015 is not being taken into account for the purpose of fixation of pay and consequential benefits

2. As per the facts brought on record, while the petitioner was working in the District Court, Chandigarh, certain posts of Stenographer Grade-III were advertised to be filled up in various District Courts of the State of Punjab vide Notification dated 22.12.2017. The petitioner applied for the said post and as there were vacancies vide letter dated 02.01.2018 (Annexure P-3), he applied for Ex. Post-facto permission to compete for the said post which permission was granted by the competent authority of District Court, Chandigarh. Thereafter, keeping in view the permission



granted, the petitioner competed for the post of Stenographer Grade-III as advertised on 22.12.2017 and he was ultimately selected and was posted in the office of the District & Sessions Judge, Bathinda keeping in view the letter dated 27.07.2018 (Annexure P-6).

3. The grievance of the petitioner is that earlier service rendered by him with District Court, Chandigarh from 19.01.2015 to 27.07.2018 has not been taken into account for fixing his salary on the ground that though the Ex. Post-facto permission was granted by appropriate authority but the same was granted with the condition that no lien will be retained for the post and, therefore, the petitioner is not entitled for the technical resignation so as to get the benefit of Rule 4 of Punjab Civil Services, Vol.II, according to which, in case a person has competed for a post with the prior permission of the competent authority, the earlier service rendered by him will be taken into account for various purposes including fixation of pay.

4. Learned counsel for the petitioner submits that the issue raised in the present petition has already been decided by this Court while passing order in various petitions including CWP No. 35184 of 2019 titled as ***Ram Mehar Singh and another Vs. State of Punjab and others***, decided on 21.01.2025.

5. Learned counsel appearing on behalf of the respondents submits that though the issue raised in the present petition stands decided in ***Ram Mehar Singh and another (supra)*** but in the present case, the objection taken that the petitioner's lien will not be maintained was conveyed to him hence, the petitioner cannot get the claim.



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

7. The issue which has been raised with regard to the technical resignation where the employee has been granted permission by the competent authority to compete for the post, it is the technical resignation which has to be submitted and not the resignation simpliciter so as to claim the benefit under Rule 4 of the Punjab Civil Services upon joining in service in the State of Punjab. The case of the petitioner is covered by the said judgment in ***Ram Mehar Singh and another (supra)***.

8. The only objection which has been taken by the learned counsel for the respondent-High Court is that the petitioner was beforehand duly informed that his lien will not be kept for the post. In case, any order is passed by the authorities concerned which is not commensurate to the entitlement of the petitioner or which deny the benefit which an employee is entitled for under the Rules, cannot come in the way so as to deny such benefit.

9. In the present case, once the Ex. Post-facto permission to compete for the post was granted and the petitioner joined in said post after the permission from the competent authority with the State of Punjab, the petitioner was entitled for the benefit under Section 4 of the Punjab Civil Services Rules so as to count the service which he had rendered with U.T., Chandigarh on the post of Stenographer Grade-III starting from 19.01.2015 till the date he was relieved by the District Court, Chandigarh to join District Court Bathinda hence, the respondents are directed to re-calculate the entitlement of the petitioner keeping in view the direction given in this order



by taking into account the service rendered by the petitioner with District Court, Chandigarh from 19.01.2015 till 27.07.2018 and fix his salary and other emoluments which he becomes entitled for accordingly with other consequential benefits. Let the exercise be completed within a period of three months of the receipt of copy of this order.

10. Writ petition is allowed in above terms.
11. Pending miscellaneous application, if any, also stands disposed of.

July 18, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No