IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-11326-2018 (O&M)
Date of decision: 16.01.2025

Tejinder Singh Virdi
....Petitioner

Versus

State of Punjab and Others
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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Present : Mr. Vikas Singh, Advocate for the petitioner

Mr. Sehajbir Singh Aulakh, AAG Punjab

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AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is to count the period of training of 2 years, towards qualifying service for calculation of retiral benefits after fixation of pay, which was rejected by passing a non-speaking order, as no reasons had been assigned therein, which has been made subject matter herein.

2. Reliance had been placed on the judgment passed by this Court in **R.S. Dhull vs. State of Haryana and Another**, CWP-14360-2008, decided on 30.11.2016, wherein the training period of the petitioner therein had been directed to be taken into account for the purpose as sought by him, however, the military service rendered during emergency, was not included against which LPA-2016-2019 had been filed, which now stands allowed vide judgment dated 09.04.2024, which learned State counsel has not been able to controvert the factual position

and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law. Relevant extract of **R.S. Dhull** (supra) read thus:

> " …. **3. Whether the training period of the petitioner as Tehsildar from 26.9.1974 to 8.2.1978 is to be computed for the purpose of grant of pension and other retiral benefits?**
>
> The appointment letter of the petitioner is dated 13.9.1974, whereby he was accepted as Class A Tehsildar candidate on the basis of Haryana Civil Services Executive Branch and other Services Examination 1972-73. Appointment letter is reproduced as under:-
>
> The Financial Commissioner, Revenue, Haryana, is pleased to accept Sarvshri Raj Kumar Aggarwal, Amar Nath, Icchpujani, Ashok Kumar Vashishtha, Kamal Gupta, Hardhul Singh Bholle, Randhir Singh Dhull and Nepal Singh Tanwar, as "A" Class Tehsildar Candidate. The acceptance of Sarvshri Ashok Kumar Vashistha and Hardhul Singh Bhole is subject to verification of their character and antcedents.
>
> 2. The inter-se-seniority of the above candidates will be communicated to them later.
>
> 3. The arrangements for their training will be made by the commissioner Ambala and Hissar Division, who are being asked to communicate the programme of training to them. They are allotted to the Commissioners, Ambala and Hissar Division, for training as under:-
>
> | Commissioner Ambala Divn. | Commissioner Hissar Divn |
> |---|---|
> | 1. Shri Raj Kumar Aggarwal | 1. Shri Kamal Kumar Gupta |
> | 2. Shri Amar Nath Inchhpunjani | 2. Shri Hardhul Singh Bhole |
> | 3. Shri Randhir Singh | 3. Shri Ashok Kumar Vasishta |
> | | 4. Shri Nepal Singh Tanwar Chandigarh |
>
> 4. The terms and conditions of their service training, passing of departmental examination, probation etc. will be governed by the Punjab Tehsildari Rules, 1932 and the Financial Commissioner's Standing Order No.12 as amended from time to time.
>
> 5. During the period of their training they shall draw pay at the rate of the minimum of the time scale of the post of Tehsildar of Rs.350-25-500-30-650/30- 800 vis. Rs.350/- P.M.
>
> 6. They are requested to intimate their Home Districts and the districts in which they have property to the Commissioner of the Divisions to whom they have been allotted for imparting training and this department.
>
> 7. The receipt of this communication may please be acknowledged.
>
> The above noted letter clearly shows that on the basis of examination conducted by the Haryana Civil Services Executive Branch and other Services Examination 1972-73, the

petitioner was selected as Tehsildar in the Ex-servicemen category and he was accepted by the Financial Commissioner as “A” Class Tehsildar candidate. He was required to undergo service training and pass the departmental examination and probation and his services were governed by Punjab Tehsildari Rules, 1932 and Financial Commissioner standing order No.12. He was to draw the pay at the rate of minimum of the time scale of the post of Tehsildar, which means that as per the appointment letter, the petitioner had joined the Government service and came under the control of the Government. Before actually being posted as a Tehsildar, he was require to undergo some service training which included his working as Kanungo and Naib Tehsildar and pass the departmental examination and clear probation etc. He was paid the salary of the Tehsildar though at the minimum of time scale. In this situation, the petitioner was drawing the salary from the State also. Now, the question would arise whether the period of service training is to be excluded while computing service of the petitioner under the Government? The standing order No.12 of 1909 shows that “A” class candidate was required to be declared qualified within two years of acceptance to undergo revenue training for one year and obtain a Kanungo’s certificate of efficiency from the Director of Land Records. After receipt of such training and after obtaining such certificate, he was to serve as a Naib Tehsildar with approval for two years either officiating or in an honorary capacity. He was also required to pass Tehsildar’s examination within two years of acceptance. It goes to show that before being actually posted as Tehsildar, the petitioner was required to undergo some revenue training and obtain certificate of efficiency as Kanungo and was also required to serve as Naib Tehsildar. Service of Kanungo and Naib Tehsildar is admittedly under the Government. During the service of the petitioner as Tehsildar, he was later on governed by Punjab Civil Service Rules. The training of the petitioner and clearing of the departmental examination and probation period was followed by confirmation of the petitioner as a Tehsildar. One failed to understand how the period of training is to be excluded from the service for the purpose of grant of service benefits? Now, when the daily wage workers, work charge service or temporary and ad hoc service followed by confirmation is computed as qualifying for the purpose of pension, then one failed to understand why the service during the training period which is on the basis of regular appointment letter followed by regular posting is to be excluded from the service period of an employee. It also comes out that no fresh appointment letter was issued to the petitioner on 8.2.1978 when he completed the training to indicate that it was a fresh appointment on 8.2.1978. It just happened that the petitioner successfully completed the training and he was given his posting as a Tehsildar.”

3. In view of the above, the present petition is disposed of in terms of **R.S. Dhull** (supra).

(AMAN CHAUDHARY)
JUDGE

16.01.2025
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No