



CWP-16315-2025

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

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CWP-16315-2025

Date of Decision: 29.05.2025

Rajesh Kumar**...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Bhupinder Singh Bairagi, Advocate for the petitioner

Mr. Raman Sharma, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting side of order dated 07.03.2025 (Annexure P-3) whereby respondent has rejected his claim to count his past service while calculating retiral benefits.

2. The petitioner during 31.09.1997 to 09.06.2018 worked as Canal Patwari in the Irrigation Department, Haryana. He came to be selected in the District Cooperative Agriculture and Rural Development Bank (for short '**Bank**') on 09.06.2008. His lien was retained in the Irrigation Department till his confirmation in the new office. He made representations for counting his past service. The respondent by impugned order has rejected his claim on the ground that Bank has not adopted instructions issued by Finance Department, Haryana. The appointment of the petitioner in the Bank was a fresh appointment. The Bank has no concern with his past service.



3. Learned counsel for the petitioner submits that respondent was bound to count his past service for the purpose of gratuity and leave encashment.

4. Mr. Raman Sharma, Additional Advocate General, Haryana, who on advance notice is present in Court on behalf of respondent-State, expressed his inability to controvert that if the petitioner has worked for 10 years with Irrigation Department, Haryana, he is entitled to gratuity and leave encashment for the said period.

5. From the perusal of impugned order, it is evident that respondent-Bank has rejected petitioner's claim on the ground that Bank has not adopted instructions dated 22.08.1988 and 07.01.2002 of the State Government. The Bank has no concern with his past service. His appointment is a fresh appointment in the Bank and there is no provision of pension in the Bank.

6. The petitioner consciously joined Bank where service was not pensionable. The petitioner was having lien for a short period with his previous department. There is nothing on record in the form of rules, regulations or instructions disclosing that respondent-Bank was bound to consider past service of the petitioner. It is further apt to notice that service with Bank was non-pensionable.

7. The petitioner concededly has worked for 10 years and 8 months with Irrigation Department, Haryana and is certainly entitled to benefit of gratuity and leave encashment for the said period. The respondent-State is unable to dispute said fact.



8. In the backdrop, the petition stands disposed of with a direction to respondent No.4-Irrigation Department, Haryana to consider petitioner’s claim for gratuity and leave encashment for the period he has served.

(JAGMOHAN BANSAL)
JUDGE

29.05.2025
Mohit Kumar

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