



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

104

CWP-25978-2016

Date of Decision: 13.01.2025

Gulab Singh

.....Petitioner(s)

Versus

Haryana State Agricultural Marketing Board and another

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. S.S. Kaushik, Advocate,
for the petitioner.

Ms. Vasundhra Asija, Advocate,
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 16.05.2016 (Annexure P-5) whereby respondent has rejected his claim for additional increments, ACP scale and pay protection. He is further seeking direction to respondents to grant increment on completion of 8/18 years service as well as pay protection by counting the past service rendered by him in Haryana Tanneries.

2. On 12.03.2019, this Court passed the following order:-

“In the present writ petition, the claim of the petitioner is that the service which the petitioner rendered with the Haryana Tanneries Limited, Jind before his appointment in the Haryana State Agricultural Marketing



Board, should be considered as qualifying service for the grant of pensionary benefits. In support of the claim, the petitioner is relying upon the decision of a coordinate Bench of this Court passed in CWP No.1087 of 1994, decided on 03.12.2014. In the said case also, Sh. Rattan Lal Aggarwal, who was initially the employee of the Haryana Tanneries Limited and was later on appointed as Assistant Secretary in the Agriculture Marketing Board has been allowed the benefit of not only the pay protection in respect of the service rendered by him in the Haryana Tanneries Limited but also the said service rendered by him was ordered to be counted for the purpose of pension and other retiral benefits.

Counsel for the petitioner states that the case of the petitioner is squarely covered by the abovesaid judgment.

At this stage, counsel for the respondents states that the said order is under challenge in LPA No.1294 of 2015.

The present writ petition is adjourned sine die, to await the decision in the abovementioned LPA. The parties are free to move an application after the decision of the said appeal.”

3. Ms. Vasundhra Asija, Advocate appeared and filed her *Vakalatnama* on behalf of the respondents. The same is taken on record. Registry is directed to tag the same at an appropriate place.

4. Counsel for the respondents concedes that case of petitioner is squarely covered by judgment dated 03.12.2014 of this Court in ***CWP-1087-1994, Rattan Lal Aggarwal vs. State of Haryana and others.*** She further concedes that despite pendency of LPA-1294-2015 against the said judgment, though subject to outcome of LPA, the claimed benefit has already been extended to Rattan Lal Aggarwal.



The instant petition is pending before this Court since 2016. The petitioner at present has turned 75 years. It would not be in the interest of justice to deny him benefit accrued to similarly situated employee namely Rattan Lal Aggarwal. The aforesaid letters patent appeal is lying admitted before Division Bench of this Court. There is no immediate likelihood of disposal of the said appeal.

6. In such circumstances, this Court finds it appropriate to direct the respondents to consider claim of the petitioner in the light of judgment of this Court in *Rattan Lal Aggarwal's case (supra)* as well as decision taken by respondent in the said case. It is made clear that petitioner would submit statement of benefits derived from his earlier organization. The respondent would be entitled to adjust, as permissible by law, the benefits derived by petitioner from his earlier organization. The respondent would make calculation and release the rest benefits within 3 months from the date of submission of calculation chart by petitioner.

7. Petition stands disposed of with the aforesaid observations.

13.01.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No