



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

**LPA No.2242 of 2024 (O&M)**

**Date of Decision: 17.02.2025**

Chairman, Haryana Power Generation Corporation  
Limited and another

...Appellants

Versus

Kuldeep Singh Sandhu and others

...Respondents

**CORAM:** *HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA*  
*HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Deepak Balyan, Advocate  
for the appellants.

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**SANJEEV PRAKASH SHARMA, J.(Oral)**

**CM No.5345-LPA of 2024**

For the reasons mentioned in the application, the application for condonation of delay is allowed and the delay of 236 days in filing the present appeal is condoned.

**LPA No.2242 of 2024**

1. Challenge is to the order passed by learned Single Judge dated 06.12.2023, whereby learned Single Judge has set-aside the order dated 26.07.2022 and directed to grant benefits of service which the writ petitioner rendered in Govt. Aided School from 22.08.1975 to 06.02.1985 by treating the said period as qualifying service for grant of pensionary benefits.
2. Learned counsel for the appellants submits that service in Govt. Aided School cannot be said to be service rendered with the State



and therefore, the said period cannot be counted as qualifying service.

3. However, we find that learned Single Judge has relied upon the judgment passed by this Court in the case of **Vijay Singh versus State of Haryana and others, 2009(6) SLR 707** where identical issue was examined and decided. The said judgment has attained finality. In **Charan Singh versus State of Punjab and others, 2006(6) SLR 624**, a view was taken by the Division Bench of this Court of the similar nature and Hon'ble Supreme Court has also taken a similar view in the case of **Chander Sain versus State of Haryana, 1994(1) SLR 319**, wherein it was held as under:-

*“10. We do not find any merit in this contention of the learned counsel for the respondent-State. Para 3 of the Memo dated March 28, 1979 indicates that the employees in private colleges who were to retire on or after 1.4.1979 have to be treated on par with Government employees in the matter of gratuity. The mere fact that the appellant did not retire prior to the take over of the college by the State Government, but retired after it was so taken over, does not mean that he is not entitled to claim gratuity in respect of the period of service rendered by him before the college was taken over by the State. If the appellant would have been entitled to payment of gratuity on the basis of the service rendered by him when the college was under private management if he had retired prior to the college being taken over by the State Government, there appears to be no reason why the said period of service of the appellant while the college was under private management should be ignored for the purpose of computing gratuity payable to him. Merely because he retired after the college had been taken over*



*by the State Government that shall not make any difference. The language of para 3 of the Memo dated March 28, 1979 does not support the submission of the learned counsel for the respondent-State that since the appellant retired after the college was taken over by the State Government, gratuity payable to him can only be computed on the basis of the service rendered by him after the college was taken over by the State Government and not for the period of service rendered by him before the college was taken over. Para 3 of the said Memo imposes an obligation on the management of a private college to pay gratuity to the employees. It cannot be construed as denying payment of such gratuity to a class of employees who were subsequently absorbed in Government Service and have retired after such absorption. In our opinion, therefore, appellant is entitled to payment of gratuity computed on the basis of the entire period of service covering the period of service rendered by him while the college was under private management as well as service rendered by him after the college was taken over by the State Government. In respect of the period of service rendered by the appellant while the college was under private management, the liability of the State Government would, however, be restricted to 75% of the amount of gratuity payable for that period in view of the fact that in respect of aided institutions the State Government was contributing towards deficit of salary, gratuity, etc. to the extent of 75% of the total deficit.*

*11. The appeal is, therefore, allowed to the extent that the appellant is entitled to payment of gratuity to be computed on the basis of his entire length of service,*



*inclusive of the service rendered by him while the college was under private management before it was taken over by the State Government. The liability of the State Government for the gratuity payable for the period of service rendered by the appellant while the college was under private management before it was taken over by the State Government on January 14, 1980 would be restricted to the extent of 75% only. After adjusting the amount that has already been paid to the appellant, the respondents are directed to pay the balance amount to the appellant within a period of two months. The judgment of the High Court under appeal is set aside and the writ petition filed the appellant is allowed accordingly. No order as to costs.”*

4. In view of above, the issue raised in the present appeal is no more *res integra* and we accordingly, in terms of above judgment, uphold the order passed by learned Single Judge without any change. The present appeal is dismissed accordingly.

5. All the pending misc application(s) also stand disposed of.

**(SANJEEV PRAKASH SHARMA)**  
**JUDGE**

**17.02.2025**  
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**(MEENAKSHI I. MEHTA)**  
**JUDGE**

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