



CWP-18019-2023 (O&M)

1

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

Sr. No.256

**CWP-18019-2023 (O&M)
Date of decision: 07.05.2026**

Rajnish Kumar

..... Petitioner

VERSUS

Panjab University, Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Dr. Deepak Jindal, Advocate, for the petitioner.

Mr. Indresh Goel, Advocate, for respondents No.1 & 2.

Mr. Harsh Aggarwal, Advocate, for respondents No.3 & 4.

DEEPINDER SINGH NALWA, J.(Oral)

1 In the present writ petition, the petitioner has challenged the letter dated 31.10.2022 (Annexure P-19), vide which, the claim of the petitioner for grant of pension has been declined, on account of having two days gap period in joining the respondent-University from the date petitioner was relieved from previous organization i.e. respondent No.3 Kendriya Vidyalaya Sangathan (hereinafter referred to as the Sangathan). The petitioner has also challenged the letter dated 26.12.2022 (Annexure P-21), vide which, the request made by the petitioner for condonation of two days gap period in joining the respondent-University, has also been rejected.

2. The brief facts of the case are that the petitioner was working as Librarian in Kendriay Vidyalaya, A.D Dappar, Punjab. While working



on the abovesaid post, the petitioner applied for appointment on the post of Library Assistant in the University Institute of Legal Studies, Panjab University, Chandigarh. The petitioner was duly selected and was appointed vide appointment letter dated 23.05.2013 (Annexure P-1). A perusal of the said appointment letter dated 23.05.2013 (Annexure P-1) would show that the petitioner had to report for duty in the respondent-University within a period of 30 days from the issuance of the abovesaid appointment letter. On account of being appointed on the post of Library Assistant in the respondent-University, the petitioner after working for 09 years, 09 months and 28 days i.e. from 12.09.2003 to 10.06.2013 was relieved by respondent No.3-Sangathan on 10.06.2013. The petitioner had to join the respondent-University on 11.06.2013, however, unfortunately, the father of the petitioner expired on the very same day i.e. 11.06.2013 at 06:30 a.m. Consequently, the petitioner could not join his duties on 11.06.2013. The next day i.e. 12.06.2013 being a gazetted holiday in the respondent-University on account of Martyrdom day of Guru Arjan Dev Ji, the petitioner could not join on 12.06.2013. The petitioner joined the respondent-University on 13.06.2013. The joining report of the petitioner is annexed as (Annexure P-4).

3. On joining of the petitioner in the respondent-University, the pay of the petitioner was protected by the respondent-University. The GPF (pension scheme) and GPF number of the petitioner was transferred to the respondent-University. The petitioner submitted a representation



dated 27.10.2014 (Annexure P-6) to the respondent-University for counting of his previous service of 09 years, 09 months and 28 days i.e from 12.09.2003 to 10.06.2013 for the purpose of service benefits. In response, the case of the petitioner was considered and the respondent-University vide letter dated 17.03.2015 (Annexure P-8) informed the Director of the University Institute of Legal Studies that as there was a break/gap of two days in joining the respondent-University, as such, the petitioner cannot be given the benefit of continuity of service. The petitioner again approached the respondent-University vide letter dated 30.03.2015 (Annexure P-9) stating therein that the break in service of two days in joining the respondent-University was beyond his control, as such, the previous service rendered by the petitioner should be taken into consideration for the purpose of service/retiral benefits by granting the benefit of continuity of service. Various reminders (Annexures P-10 & P-11) were sent by the petitioner praying that previous service rendered by the petitioner in respondent No.3- Sangathan should be taken into consideration for the purpose of continuity in service. The respondent-University vide letter dated 05.11.2018 (Annexure P-13) made a request to respondent No.3-Sangathan for providing information in regard to the petitioner for the purpose of grant of continuity in service.

4. A perusal of the facts would show that the respondent-University issued a Notification dated 27.04.2022 (Annexure P-17) framing regulations for the purpose of pension in respect of the



employees working in the respondent-University under the old pension scheme. A perusal of the abovesaid notification would show that an employee who has joined the respondent-University before 01.01.2004 and those employees who have joined the respondent-University on or after 01.01.2004 and borne on pensionable post in the previous organization and have applied through proper channel without any break shall be considered for the purpose of pension under the old pension scheme. The petitioner received a letter dated 31.10.2022 (Annexure P-19) issued by the respondent-University, whereby, the request made by the petitioner for grant of pension under the old pension scheme has been declined. Another letter dated 26.12.2022 (Annexure P-21) was issued to the petitioner, vide which, the request made by the petitioner for condonation of two days gap period in joining the respondent-University for the purpose of continuity of service has also been declined. Aggrieved against the abovesaid letters dated 31.10.2022 (Annexure P-19) and 26.12.2022 (Annexure P-21), the petitioner has filed the present writ petition.

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner was relieved by respondent No.3-Sangathan on 10.06.2013. He submits that the petitioner was to join the respondent-University on 11.06.2013, however, unfortunately, the father of the petitioner expired on 11.06.2013 at 6:30 a.m. As a consequence, the petitioner could not join the respondent-University on 11.06.2013. He



further submits that on the next day i.e. 12.06.2013, there was a gazetted holiday in the respondent-University on account of Martyrdom day of Guru Arjan Dev Ji, as such, the petitioner could not join the respondent-University on 12.06.2013. The petitioner joined the respondent-University on the next day i.e. 13.06.2013. Learned counsel further submits that the break/gap of two days in joining the respondent-University after being relieved from respondent No.3-Sangathan was beyond his control and as such, the break/gap of two days be condoned and directions be given to the respondent-University to grant continuity of service and case of the petitioner be considered for pension in terms of the Notification dated 27.04.2022 (Annexure P-17).

6. On the other hand, learned counsel appearing on behalf of the respondents No.1 and 2-University submits that as there was a break/gap of two days in joining in the respondent-University, as such, as per the Notification dated 27.04.2022 (Annexure P-17), the case of the petitioner cannot be considered for the purpose of grant of pension under the old pension scheme. As such, the action of the respondent-University in not considering the case of the petitioner for grant of pension under the old pension scheme is legal and valid.

7. After hearing the learned counsel for the parties at length, the only issue involved in the present writ petition is as to whether the petitioner is entitled for condonation of break/gap of two days for the



purpose of continuity in service and also for grant of pension in terms of the Notification dated 27.04.2022 (Annexure P-17).

8. A perusal of the facts of the present case would show that the petitioner was relieved by respondent No.3-Sangathan on 10.06.2013. The petitioner was to join the respondent-University on 11.06.2013, however, unfortunately, the father of the petitioner expired on very same day i.e. 11.06.2013 at 06:30 a.m. As a consequence, the petitioner could not join on 11.06.2013. The next day i.e 12.06.2013, being a gazetted holiday on account of Martyrdom day of Guru Arjan Dev Ji, the petitioner was not in a position to join the respondent-University. The petitioner joined the respondent-University on 13.06.2013. A perusal of the facts of the present case would show that the petitioner could not join the respondent-University on 11.06.2013 on account of compelling and unavoidable circumstances which were beyond the control of the petitioner. The break/gap in service of two days in joining the respondent-University was neither willful nor due to negligence on the part of the petitioner. It would not be out of place to state here that where there is sufficient cause shown by the employee for break/gap in service, the break in service can be condoned. In the present case, the reasons furnished by the petitioner for break/gap of two days in joining the respondent-University appears to be genuine and warrants sympathetic consideration. Even otherwise also, the petitioner was to join the duty



within 30 days from the date of issuance of appointment letter dated 23.05.2013 (Annexure P-1).

9. Taking into consideration the peculiar facts of the present case, it is held that break/gap of two days in joining the respondent-University be condoned and the petitioner is held entitled for continuity of service. Accordingly, the respondent-University is directed to consider the case of the petitioner for the purpose of pension in terms of Notification dated 27.04.2022 (Annexure P-17), in accordance with law/rules.

10. The present writ petition is allowed in abovesaid terms.

11. Pending miscellaneous application(s), if any, also stands disposed of.

(DEEPINDER SINGH NALWA)
JUDGE

07.05.2026

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No