



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

CWP-32299-2019

Date of decision : 19.05.2026

Jagir Ram

...Petitioner

Vs.

**Central Administrative Tribunal,
Chandigarh and others**

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Rishav Sharma, Advocate for the petitioner.

Ms. Anita Balyan, Advocate for respondent Nos.2 to 4.

HARSIMRAN SINGH SETHI, J.(Oral)

1. The challenge in the present petition is to the impugned order dated 09.10.2019 (Annexure P-3) passed by the learned Central Administrative Tribunal, Chandigarh Bench (hereinafter referred to as 'the Tribunal') in OA No.060/01262/2017, whereby the claim of the petitioner qua release of pensionary benefits w.e.f. 01.06.2014 has been rejected.

2. Learned counsel for the petitioner submits that without giving any reason as to how the respondents have calculated the qualifying service to be of 09 years and 04 months so as to deny the pensionary benefits on the ground that the petitioner failed to complete the 10 years of qualifying service whereas, the fact remains that the period between the date of appointment and the date of superannuation is more than 25 years.

3. Learned counsel for the petitioner submits that petitioner was unable to attend office for 5279 days for which he took leave without pay which was treated as leave not qualifying for service, however, petitioner was not served an order to the effect i.e. leave without pay was treated, as non-qualifying service for the purpose of pensionary benefits as required under

Rule 47 of the Railway Services (Pension) Rules, 1993.

4. Learned counsel for the petitioner submits that even otherwise, the shortfall is very less, the same can be condoned by the respondents under Rule 107 of the Railway Pension Rules. Hence, liberty be given to the petitioner to file the comprehensive representation raising all the pleas and the respondents be directed to decide the same in a time bound manner.
5. Learned counsel for the respondents submits that in case any representation is received, the same will be looked into and appropriate speaking order, keeping in view the provision of law as well as facts of the present case, will be passed within a period of eight weeks from the receipt of such representation and in case it is found that the claim of the petitioner is covered for the grant of pensionary benefits, the same will be granted, otherwise the due reasons for not accepting the same will be mentioned.
6. At this stage, learned counsel for the petitioner submits that in view of the statement made by learned counsel for the respondents, present petition may kindly be disposed of having been not pressed any further, with liberty to file representation.
7. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

19.05.2026
vanita

Whether speaking/reasoned :	Yes
Whether Reportable :	No