(2009) 04 AHC CK 0737

In the Allahabad High Court

Brahma Singh APPELLANT

Vs

State of U.P.and others RESPONDENT

Date of Decision : 20-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0737

Hon'ble Judges : Chandramauli Kumar Prasad, CJ and Dilip Gupta, J

Final Decision : Dismissed

Judgement

Dilip Gupta, J.

We have taken up this appeal on merit.

The writ petitionerappellant, aggrieved by an order dated 19.2.2009 passed by a learned Single Judge in Writ Petition No.62823 of 2005, has preferred this appeal under Rule 5 of Chapter VIII of Allahabad High Court Rules.

The writ petitionerappellant was appointed as a Peon on 03.01.1978 in Jaiprabha Shiksha Sansthan Bheura Dubolia Bazar, District Basti. This institution was recognized as a Junior High School. According to him, his services were regularised on 02.09.1985 and the School, in question, was brought in the grantinaid list with effect from 01.04.1996.

The writ petitionerappellant filed a writ petition, inter alia, praying that the services rendered by him prior to 01.04.1996 be counted for the pension purpose.

Learned Judge considered this aspect of the matter and found that since the contribution of the management towards Provident Fund of the employee had not been deposited by the date fixed, the appellant shall not be entitled to any relief. In this connection, learned Judge has observed as follows:

"Under the G.O. dated 23.5.1998, the contribution of the management could be deposited by the petitioner himself. Accordingly, the argument of learned counsel for the petitioner that now petitioner must be permitted to deposit contribution of the management is not tenable. It ought to have been done by the petitioner under G.O. dated 23.5.1998 till the last cut off date, which was extended subsequently to 31.3.2002.

In any case petitioner never deposited his own contribution towards provident fund prior to 01.04.1996, when the institution was brought on grantinaid list.

In the instant case, counter affidavit has been filed and learned counsel for the State has argued that the cut off date 31.03.2002 is quite reasonable and not arbitrary."

We do not find any error in the same.

The appeal stands dismissed.

