
(1993) 06 P&H CK 0039
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 4263 of 1992

Dharam Singh Mann

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 04-06-1993

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Punjab Civil Services Rules — Rule 4.12A

Citation : (1993) 104 PLR 586

Hon'ble Judges : Jawahar Lal Gupta, J

Bench : Single Bench

Advocate : S.S. Dalal, for the Appellant; Jaswant Singh, for the Respondent

Final Decision : Allowed

Judgement

Jawahar Lal Gupta, J.—The petitioner retired as Inspector Co operative Societies on October 31, 1982. At that time, he had completed a service of 32 years, 4 Months and-5 days which qualified for pension. His pension was accordingly fixed. With effect from April, 26, 1985, Rule 4.112- A of the Punjab Civil Services Rules, Vol-11 was amended. It was inter alia provided the at in respect of Class III and Class IV, employees, who are required to undergo departmental training of jobs before they are put, op regular employment, training period upto one year maybe treated as qualifying service, for pension, if the training is followed immediately by regular appointment."

2. Relying on this Rule, the petitioner, claims that with effect from April 26, 1985, his pension has to be re-determined as he had undergone 15 months training prior to his appointment as Inspector.

3. In the written statement filed on behalf of the respondents, the claim has been controverted on the ground that the rule was amended after the petitioner"s retirement on April 26, 1985 and as such, the petitioner is not entitled to the benefit claimed by him.

4. It is undoubtedly correct that the Rule is not retrospective in its operation. However, the petitioner had admittedly undergone more than one year's training immediately prior to his appointment as Inspector, Co-operative Societies. If a person who retires on or after April 26, 1985 is entitled to the benefit of the period of training towards the fixation of his pension, there is no basis for denying it to the petitioner. This matter is settled by the decision of this Court in Justice S.S. Dewan, (Rtd. C.J.) v. Union of India and Ors. (1991) 100 PL.R. 501

5. In view of the reasons in the aforesaid decision, the writ petition is" allowed. The respondents are directed to re-fix the petitioner's pension after taking into account the period of one year as admissible under Rule 4.12-A w. e. f. 26.4.1985. The needful shall be done with- in three month from the date of receipt of a copy of this order. In the circumstances of the case, there will be no order as to costs.