

(2014) 04 P&H CK 0117

In the Punjab And Haryana At Chandigarh

Case No : Civil-Writ Petition No. 20758 of 2011 (O&M)

Geeta Devi

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 02-04-2014

Acts Referred:

Citation : (2014) 175 PLR 401

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Advocate : Raman Sharma, Advocate for the Appellant; A.P.S. Mann, Add. A.G. and Anshul Gupta, Asst. A.G, Advocate for the Respondent

Final Decision : Allowed

Judgement

Rajesh Bindal, J.—The petitioner has approached this Court for a direction to the respondents to grant her pensionary benefits. She joined the Department of Town & Country Planning, Punjab, as Steno Typist on 2.2.1988 and continued to serve up to 14.10.1999. Thereafter, she proceeded on leave. After availing the leave, the petitioner submitted her joining report on 25.6.2007 and on the same day sought voluntary retirement after tendering three months' salary. The same was accepted on 14.9.2007. The only prayer in the petition is that even if the period after the petitioner proceeded on leave on 14.10.1999 is not considered, prior to that she had 11 years, 8 months and 12 days service to her credit. In terms of Rule 6.16-A(3) of the Punjab Civil Service Rules, Volume II, (for short, "the Rules") the petitioner will be entitled to proportionate pension. In support of the plea, reliance was placed upon Ganga Bishan Vs. State of Haryana and Others, State of Punjab v. Gurkeerat Singh, 2002 (3) S.C.T. 623, and Mehar Singh v. State of Punjab and others, 2003 (1) S.C.T. 453.

2. On the other hand, learned counsel for the State very fairly submitted that the claim made by the petitioner is covered by judgments relied upon by her as there is no judgment taking contrary view.

3. Heard learned counsel for the parties and perused the paper book.

4. The issue regarding entitlement of pension to an employee, who retired rendering less than 20 years of service, has been considered by this Court in Ganga Bishan's case (supra), where the employee had rendered 18 years, 5 months and 15 days of service. While referring to Rule 6.16-A(3) of the Rules, this Court held that an employee becomes entitled to grant of proportionate pension on completion of 10 years qualifying service. The plea raised by the State that an employee before completion of 20 years of service is not entitled to pension was rejected. Relevant para of the judgment is extracted below:-

"4. The grant of pension and gratuity is governed by the provisions of the Punjab Civil Service Rules, Vol. 11. Rule 6.16(1) provides the scale of service gratuity admissible to a person, who retires before completing qualifying service of ten years. Similarly, in Rule 6.16(A) provision for the payment of gratuity to the retiring government servants has been made. As for pension, Rule 6.16(2) [correct 6.16A(3)] inter-alia provides that "in the case of a government employee who at the time of retirement has rendered qualifying service of ten years or more but less than thirty three years, the amount of pension shall be in such proportion of (to) the maximum admissible pension as the qualifying service rendered by him bears to the maximum qualifying service of thirty-three years, subject to a minimum of Rs. 375/- per mensem." It is thus clear that a person becomes entitled to the grant of pension on completion of ten years qualifying service. It is the admitted position in the present case that the petitioner had served for a total period of 18 years, 5 months and 15 days. Consequently, he was entitled to the grant of pension in view of the provisions of Rule 6.16(2) [correct 6.16A(3)]. He was also entitled to the grant of gratuity in accordance with the provisions of the Rules. In view of these provisions, the claim of the respondent that the petitioner is not entitled to the grant of pension and gratuity as he had not completed 20 years of service cannot be sustained. It is also the admitted position that the amount of money admissible to the petitioner under the Group Insurance Scheme has not yet been determined and the case is under consideration."

5. Similar view was expressed in Gurkeerat Singh and Mehar Singh's cases (supra).

6. For the detailed reasons recorded in Ganga Bishan's case (supra), the present writ petition is allowed. The respondents are directed to calculate and pay the pension of the petitioner considering the service period of 11 years, 8 months and 12 days. The needful be done within four months from the date of receipt of copy of the order.