
(2013) 07 P&H CK 0587
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 16105 of 2011 (O and M)

Gurjant Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 25-07-2013

Acts Referred:

Citation : (2013) 07 P&H CK 0587

Hon'ble Judges : Mahesh Grover, J

Bench : Single Bench

Advocate : Sonia G. Singh, for Mr. G.S. Sandhu, for the Appellant; Nilesh Bhardwaj, DAG, Punjab and Mr. Anupam Singla, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Mahesh Grover, J.—In this petition the petitioner prays that the period of service rendered by him from 1972 to 1974 which has been wrongly excluded from the pensionary benefits be included for the purpose of the said benefit. The case of the petitioner is that he joined service of the respondents on 29.8.1972 but his provident fund for the reasons best known to the respondents was deducted from 1.11.74 and this period has now been excluded from consideration while commuting the pensionary benefits and this has grossly prejudiced his case. Reliance has been placed on decision rendered in CWP no. 8285 of 2004 decided on 16.9.2010. This Court in a prior precedent titled as Kasturi Lal Khurana and others vs. State of Punjab and others, reported as 2003(4) SCT 462 has observed as follows:-

7. The plea of respondent Nos. 1 and 2 that the period prior to 28.2.1968 cannot be counted towards the qualifying service is based on a misconceived assumption that after passing of the resolution dated 6.9.1968 because the petitioners were not called upon to deposit their contribution towards the provident fund with effect from the dates of the initial appointments. That apart, no evidence has been produced before the Court to show that at the time of implementation of the Pension Scheme, they were called upon to deposit their contribution of the

provident fund:

8. In view of the above, we hold that the petitioners are entitled to get retiral benefits on the basis of the total service rendered by them.

9. Hence, the writ petition is allowed. The respondents are directed to re-count the qualifying service of the petitioners by taking into consideration the total service rendered by them from the dates of initial appointments. The amount of contribution of provident fund which the petitioners were required to deposit may be adjusted from out of the amount which they may be found entitled to get as a result of recalculation of the retiral benefits payable to them in terms of this order. The respondents should undertake and complete the exercise for granting of revised retiral benefits to the petitioners within a period of four months from the date of submission of certified copy of this order.

2. Following the aforesaid observations this Court had decided the aforesaid Civil Writ Petition, judgment of which has been relied upon by the petitioner.

3. The prayer has been opposed by the learned counsel for the respondents. After hearing learned counsel for the parties and noticing the limited grievance raised in the petition, I am of the considered opinion that the case of the petitioner is squarely covered by the ratio of judgment relied upon by him (CWP no. 8285 of 2004). Consequently, instant petition is accepted and the same is disposed of in the same terms as in CWP no. 8285 of 2004.