

(2010) 08 P&H CK 0319
In the Punjab And Haryana At Chandigarh

Gurmeet Singh and Others	Vs	APPELLANT
State of Punjab and Others		RESPONDENT

Date of Decision : 27-08-2010

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2010) 08 P&H CK 0319

Hon'ble Judges : Ajai Lamba, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ajai Lamba, J.—This civil writ petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of mandamus directing the respondents to count the service rendered by the petitioners in Government aided privately managed schools before taking over the services of the petitioners by the State Government, for calculating their pension and other pensionary benefits. The petitioners also claim benefits under the Assured Career Progression Scheme.

2. Learned Counsel for the petitioners contends that this Court has already dealt with the issue(s) raised in this petition while dealing with Civil Writ Petition No. 14238 of 1991 titled "Sukhdev Singh and Ors. v. State of Punjab and Ors." decided on 10.3.2010, and therefore the petitioners are entitled/confine their claim to the same relief as granted by this Court in the said case.

3. Learned Counsel for the respondent-State contends that he would have no objection if the case is decided in terms of judgment rendered by this Court in Sukhdev Singh's case (supra).

4. In Sukhdev Singh's case (supra), the following issue was framed for consideration:

The issue that arises for consideration is as to whether the service rendered by a

Teacher/Master in a Government Aided Privately Managed School, is countable towards the pensionary benefits on his retirement from the Government service

5. Operative part of the judgment reads as under:

For the reasons afore-stated, the writ petitions are allowed and the respondents are directed to count the services rendered by the petitioners in Government Aided Privately Managed Schools against the posts duly sanctioned under the Grant-in-Aid Scheme, towards their "qualifying service" for pension subject to , however, following conditions:

- 1) The respondents shall call upon the petitioners to furnish their exact service particulars in respect of the service rendered by them in the Government Aided Privately Managed Schools. Such an information shall be called within a period of two months from the date of receiving a certified copy of this order and the petitioners shall furnish the same within one month thereafter;
- 2) The respondents shall also call upon the records of the Government Aided Privately Managed Schools and verify as to whether or not the petitioners have served in such Government Aided Schools against the posts duly sanctioned;
- 3) The respondents shall be at liberty to ascertain as to whether or not the petitioners had resigned from the Government Aided Privately Managed Schools to enable them to join the Government service;
- 4) The insignificant or small break between the two services shall be condoned in terms of Rule 7.5 (3) of CSR (Volume-I);
- 5) The benefit of service rendered in Government Aided Privately Managed Schools shall be extended strictly as per the terms and conditions contained in "the Pension Scheme 1992";
- 6) If some of the petitioners who are still in service are found to be not entitled to the benefit of their previous service in Government Aided Schools, necessary speaking orders to this effect shall be passed by the respondents;
- 7) This order shall not be construed to mean acceptance of claim of the petitioners to count the service rendered by them in Government Aided Privately Managed Schools, towards their seniority, proficiency step-up or ACP etc. as the claim in the present writ petitions is confined qua pensionary benefits only;
- 8) The entire exercise including the payment of consequential arrears shall be completed as early as possible, preferably within a period of one year from the date of receiving a certified copy of this order.

6. Considering that the petitioners have raised the same issue as dealt with by this Court in Civil Writ Petition No. 14238 of 1991 titled Sukhdev Singh and Ors. v. State of Punjab and Ors." decided on 10.3.2010 (operative part whereof has been extracted above), this petition is allowed in the same terms.