
(1989) 07 P&H CK 0020

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 10069 of 1988

Ram Chander and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 19-07-1989

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1990) 2 ILR (P&H) 111

Hon'ble Judges : Amrit Lal Bahri, J

Bench : Single Bench

Advocate : J.L. Gupta and T.S. Dhindsa, for the Appellant; Rameshwar Malik, for A.G., for the Respondent

Final Decision : Allowed

Judgement

A.L. Bahri, J.—The short question for consideration in this writ petition filed under Article 226 of the Constitution is as to whether the service rendered by the Petitioners with Zile Parishads/District Boards, prior to joining the Government service, is to be counted towards giving benefit of pension and gratuity. The details of the previous service rendered by the Petitioners are given in para 3 of the writ petition. The dates on which they retired from Government service are also mentioned in this para. The Government took a policy decision,—vide Annexure P-I to give such benefit with effect from November 1, 1966 with the condition that the employees would deposit the contribution made by the erstwhile Zile Parishads and Panchayat Samitis towards their provident fund in full with effect from November 1, 1966 or from the date they became members of the provident fund along with the interest thereon. One Hazari Lal approached this Court in a writ petition No. 3995 of 1986 which was decided on January 14, 1987. A direction was given to the State Government to decide his case within a period of three months. The Government allowed the benefit of his entire service even prior to 1966 and released the pension and the gratuity. The Petitioners approached for similar relief to the State Government. Their representation was

declined,--vide order copy Annexure P-4 on the ground that benefit was given to those who had approached the Court of law. Thus, the Petitioners have approached this Court in this writ petition filed under Article 226 of the Constitution.

2. The written statement has been filed on behalf of the Accountant General, Haryana, Respondent No. 3, inter alia stating that since State Government allowed the benefit to Hazari Lal, the benefit of provincialised service period was given to him. No separate written-statement has been filed on behalf of State of Haryana.

3. It will amount to discrimination if such benefit is not allowed to the present Petitioners who had rendered service with the Zila Parishads/District Boards prior to 1966 as the State Government has allowed the benefit of such service to Hazari Lal who had approached this Court in the writ petition and sought directions. The stand of the Respondents in Annexure P-4 declining similar relief to the Petitioners as they have not approached the Court of law, is not understandable. They should not force its employees to approach the Court of law for relief which the State can conveniently grant on its own, moreso, when in similar circumstances the State had allowed relief to one of its employees.

4. For the reasons recorded above, this writ petition is allowed with costs. Counsel fee Rs. 500. The State of Haryana is directed to decide the case of the Petitioners within three months with the direction to allow relief to the Petitioners taking into consideration the entire period of service rendered with the Zila Parishads/District Boards prior to 1966, in the matter of giving pensionary and gratuity benefits on the same terms and conditions on which similar benefits was given to Hazari Lal.