courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 27/08/2026

(2019) 01 P&H CK 0055

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 28892 Of 2017

Shashi Kala — APPELLANT

Vs

State Of Haryana And Others — RESPONDENT

Date of Decision : 10-01-2019

Acts Referred:

Citation : (2019) 01 P&H CK 0055

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : S.K. Verma

Final Decision : Dismissed

Judgement

Harsimran Singh Sethi, J

In the present writ petition, the challenge is to the order dated 20.10.2016 Annexure P-8 by which the claim of the petitioner to grant the pension by giving him the benefit of 5 years of service as envisaged under Rule 4.2-A of the Punjab Civil Services Rules as applicable to Haryana has been declined.

The petitioner was appointed as S.S. Mistress in a private school namely Shri Mahavir Jain High School, Bhiwani on 06.07.1984. She continued working there upto 10.12.2004. During the period when the petitioner was serving there, the State of Haryana had issued an advertisement in the year 1999 for recruitment of S.S. Master/Mistresses. The petitioner applied in pursuance to the same and she was appointed as S.S. Mistress on 13.12.2004. The petitioner continued working there till she retired on attaining the age of superannuation i.e. 58 years on 30.04.2014. At the time when the petitioner reached the age of superannuation, the petitioner had only 9 years, 4 months and 13 days of service, which did not entitle her for the pensionary benefits for the reason that minimum 10 years service is required for becoming eligible for the grant of pension.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shashi-kala-appellant-hash-state-of-…

The petitioner sent the legal notice to the respondents to grant her the benefit of 5 years of service as envisaged under Rule 4.2-A of the Punjab Civil Services Rules as applicable to Haryana but as nothing materialized, the petitioner filed a writ petition bearing CWP No.10496 of 2016. The said writ petition was disposed of by this court on 25.05.2016 directing the respondents to decide the legal notice served by the petitioner within a period of four months. In compliance to the order passed by this Court, the respondents passed an order on 20.10.2016. Vide the said order, the respondents found that the case of the petitioner is not covered under Rule 4.2-A of the abovesaid Rules and therefore the benefit of five years of service cannot be granted and rejected her claim. This order is under challenge in the present writ petition.

Learned counsel for the petitioner argues that the petitioner being over 25 years of age at the time of appointment to the Government service, is entitled for the benefit of 5 years service and therefore, the impugned order has wrongly construed Rule 4.2-A of the said Rules and the order of rejection dated 20.10.2016 is liable to be set aside. In order to appreciate the arguments raised by the petitioner, it is necessary to understand Rule 4.2-A of the said Rules as applicable to Haryana. The said Rule is reproduced hereunder:-

"4.2-A: A Government employee who retires from a service or post shall be eligible to add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding on- fourth of the length of his service or the actual period by which his age at the time of recruitment exceeds twentry five years or a period of five years, whichever is less, if the service or post to which the Government employee is appointed is one:

(a) for which postgraduate research or specialist qualification or experience in scientific, technological or professional fields, is essential; and

(b) to which candidates of more than twenty-five years of age are normally recruited:

Provided that this concession shall not be admissible to a Government employee unless his actual qualifying service at the time he quits Government service is not less than ten years:

Provided further that this concession shall be admissible only if the recruitment rules in respect of the said service or post contain a specific provision that the service or post is one which carries the benefit of this rule:

Provided further that this concession shall not be admissible to those who are eligible for counting their past service of superannuation pension, unless they opt before the date of their retirement, which option once exercised shall be final, for the weightage of service foregoing the counting of the past service."

A bare perusal of the Rule 4.2-A of the said Rules would show that there are conditions mentioned in Rule 4.2-A (a and b) which are to be fulfilled in order to become eligible for the grant of benefit of the same. The condition is clearly

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shashi-kala-appellant-hash-state-of-…

stated that the requirement of post graduate research or a specific specialist qualification or an experience of scientific technological or professional field is essential for the post of which the recruitment should have been made and secondly, the candidates could not be recruited to the said post before completing the age of 25 years in the normal condition.

In the present case, the petitioner was recruited as S.S. Mistress and as per Haryana State Education School Cadre (Group C) Service Commencement Rules, 1998, a candidate with B.A. with B Ed from a recognized university is eligible. There is no requirement of any post graduate research or specialist qualification or experience in scientific/technological or professional field essential for recruitmment to the said post. The contention which has been raised by the petitioner is that B Ed. is a specialist qualification and a candidate cannot normally fulfill such qualification before reaching the age of 25 years and therefore, the case of the petitioner is covered under the said Rule. First of all, B Ed is an academic qualification. The said qualification is not same as postulated in Clause A of Rule 4.2-A. The order which has been passed by the respondents is commensurate to the language of Rule 4.2-A which disentitles the grant of benefit to the petitioner.

In view of the above, no interference is called for.

The present writ petition stands dismissed.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/shashi-kala-appellant-hash-state-of-…