
(2010) 02 P&H CK 0216
In the Punjab And Haryana At Chandigarh
Case No : L.P.A. No. 162 of 2010 (O and M)

The State of Haryana and Others

APPELLANT

Vs

Vijay Singh

RESPONDENT

Date of Decision : 08-02-2010

Acts Referred:

Citation : (2010) 02 P&H CK 0216

Hon'ble Judges : Alok Singh, J; Adarsh Kumar Goel, J

Bench : Division Bench

Advocate : Ritu Bahri, DAG, for the Appellant;

Final Decision : Dismissed

Judgement

1. This appeal has been preferred against judgment of learned Single Judge, directing counting of service rendered by the respondent/writ petitioner in an aided school, prior to his joining Government School, for retiral benefits.
2. The respondent served from 1972 to 1989 in an aided school and was, thereafter, selected in a Government school and he retired from service on 31.3.2006. His service with the aided school prior to joining Government service was not counted, against which he filed writ petition, which was opposed by the State, relying on Rules 3.12 and 3.16 of the Civil Services Rules, Vol.-II.
3. Learned Single Judge relying upon Division Bench judgment of Rajasthan High Court in Union of India and Ors. v. Jawahar Lal Sharma 2003 (3) RSJ 672 and Division Bench judgments of this Court in Harnandan Singh v. State of Punjab and Ors. 2007 (2) RSJ 437 and Charan Singh v. State of Punjab and Ors. 2006 (6) SLR 624 and also after referring to judgment of the Honble Supreme Court in Chander Sain Vs. State of Haryana and others, , allowed the claim of the petitioner.
4. We have heard learned Counsel for the appellants and perused the record.
5. Learned Counsel for the appellants states that only distinction in the

judgments relied upon by learned Single Judge and the present case is that while in those cases, the institutions were taken over by the State while in the present case, the petitioner himself left the earlier service and joined the State service and hence, past service in an aided school cannot be counted for retiral benefits.

6. We are unable to accept the submission in view of judgments referred to above. Past service in an aided institution has to be counted for pension, which principle will also apply even when the employee himself leaves the earlier service and joins the Government service. Admittedly, service in aided institution is pensionable and if employee continues in such institution, he gets benefit of such service. Liability is substantially born by the State. There is no ground to deny the said benefit when the employer switches over to Government service.

7. Accordingly, the appeal is dismissed.