

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No. 1419 of 2017

Date of Decision: 21.08.2019

Jagjit Singh and others

.....Petitioners

Versus

Kamal Kishor Yadav and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amrindra Pratap Singh, Advocate
for the petitioners.

Mr. Aditya Sharda, AAG Punjab.

Mr. Akhtar Ahmed, Advocate
for respondent No.2.

AVNEESH JHINGAN, J.(oral)

The present contempt petition has been filed pleading wilful disobedience of order dated 27.8.2015 passed in CWP No. 2501 of 2013.

The relevant part of the order is reproduced below:

"In view of the above, this writ petition is allowed. The respondent-Municipal Committee is directed to calculate the pensionary benefits of the petitioners taking their services to be continuous from the date of initial induction into service on daily wages, followed by regularization from various dates, deducting however, the number of days of each break, during the period of services rendered on ad hoc/daily wage basis. Those breaks shall be excluded while calculating the total period of service countable towards pensionary benefits.

The pensionary benefits so calculated be paid to the petitioners who have retired, within a period of two months from the date of receipt of a certified copy of this order.

Since, even without the above interpretation given by this Court in the case of the State of Punjab, the proviso to

Rule 3.17-A(1), in any case, stipulated that half the period of service paid from contingencies, followed by regular service, would count as qualifying service towards pension and despite the above stipulation, even de hors any judgment pertaining to Haryana or the Bhakra Beas Management Board, the respondents were required to calculate pension according to the said rule, interest @ 7% per annum shall be payable to those petitioners as have retired and have not been paid pension according to the aforesaid proviso to Rule 3.17-A (1) of the Punjab Civil Services Rules Vol.II. However, since the rule, prior to the interpretation given above, envisaged counting of only half the service paid from contingencies as qualifying service, the interest would be payable only on the amount as accrues to each retired petitioner, after counting half of such service paid from contingencies, as qualifying service towards pension.

It is made clear that this clarification is only with regard to interest payable to the petitioners; otherwise, the entire period of service rendered by them in service paid from contingencies, minus the breaks in such service, would be treated as qualifying service countable towards pension and other such benefits."

The only dispute surviving now is with regard to calculation of service countable for calculating pension and the breaks to be deducted. Today, an order dated 9.8.2019 has been produced in Court, copy handed over to counsel for the petitioners.

Learned counsel for the petitioners states that while passing the order, the period has not been correctly calculated. He states that the petitioners would raise the grievance with regard to the calculation before the respondents by moving a detailed representation and by giving calculation of period.

Learned counsel for respondent No.2 submits that in case such a representation is made, the same would be decided expeditiously in accordance with law after providing opportunity of hearing to the petitioners.

In view of the above statement, the contempt petition is disposed of. However, it is made clear that if still some grievance survives, after the decision on the representation, the petitioners would be at liberty to avail remedy in accordance with law.

Rule issued against the respondents is discharged.

(AVNEESH JHINGAN)
JUDGE

21.08.2019

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Whether speaking/reasoned	Yes
Whether Reportable:	No