

From : No. 4/34/2014-2 Pension

संख्या 265-1287

दिनांक 27-6-2014

26/6/14

To

1. All the Heads of Departments in Haryana.
2. Commissioner, Ambala, Hisar, Rohtak & Gurgaon Division.
3. All the Deputy Commissioners & Sub Divisional Officers (Civil) in Haryana.
4. The Registrar, Punjab & Haryana High Court, Chandigarh.

Dated Chandigarh, the 11.6.2014.

Subject:- **CWP No. 20844 of 2011 (O&M) Ram Chander & others Vs. State of Haryana.**

Sir,

Kindly refer to the subject noted above.

2. The Assistant Registrar (Writs) Punjab and Haryana High Court, Chandigarh has forwarded a copy of judgment dated 22.4.2014 passed in **CWP No. 20844 of 2011 (O&M) Ram Chander & others Vs. State of Haryana** regarding calculation of pension.

For guidance in all similar service cases in the light of the above said judgment of Hon'ble Punjab & Haryana High Court, a copy of judgment dated 22.4.2014 passed in **CWP No. 20844 of 2011 (O&M) Ram Chander & others Vs. State of Haryana** has been uploaded on official website of Finance Department of Haryana Government at www.finhry.gov.in which can be download.

However the operative part of judgment dt. 22.4.2014 is reproduced as under:-

"The judgment in Kesar Chand's case (supra) **would not be applicable** to the case of the petitioner as that was relatable to counting of the work charge service rendered by an employee prior to his regularization in service, which was to be taken into consideration for the purpose of counting the qualifying service for pension.

In Joginder Singh's case (supra), the case was with reference to a consideration where there was break in service, which was not on account of the fault of the employee and for counting of the same for the purpose of qualifying service for grant of pension on retirement/superannuation. The said judgment would also not be applicable to the case in hand as even if the break period is counted, the petitioner would not be entitled to the benefit of Rule 3.17-A i.e, pension. **The prayer, thus, made by the petitioner in the present writ petition cannot be accepted.**

Subject: CWP No. 20844 of 2011 (O&M) Ram Chander
& others Vs. State of Haryana.

U.O. No. 4/34/2014-2Pension Dated 11.6.2014.
Endst. No. 4/34/2014-2Pension Dated 11.6.2014.

A copy is forwarded to following for information and necessary action to:-

1. Principal Accountant General (A&E)/Audit Haryana, Chandigarh.
2. In-charge, Computer Cell, Finance Department for placing the same on FD's website i.e. www.finhrv.gov.in

Suman Srivastava
Under Secretary Finance (Pension)
for Addl. Chief Secretary to Government Haryana,
Finance Department.

Endst. No. 4/34/2014-2Pension Dated 11.6.2014.

A copy is forwarded to all Deputy Secretaries/Under Secretaries to Govt. Haryana, Finance Department for information and necessary action.

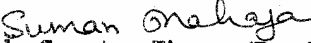
Suman Srivastava
Under Secretary Finance (Pension)
for Addl. Chief Secretary to Government Haryana,
Finance Department.

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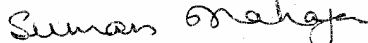
Since the petitioner had earlier also approached this Court on two occasions, reference thereof has been made above, where in one of the situations, i.e. in **CWP No. 2279 of 2004**, the writ petition has been withdrawn to pursue his remedy before the department concerned and thereafter again in Review Application No. **409 of 2008**, which was also dismissed by the Court on **30.10.2009** (Annexure P-25), the same permission was granted which also indicates the non entitlement of the petitioner for the benefit as has been claimed in the present writ petition as the petitioner does not fulfill the mandate and requirements of the statutory rules, which would entitle him to the benefit of pension as claimed by him. The writ petition deserves dismissal.

You are requested to take further necessary action in all such similar cases in light of the above stated judgment passed by the Hon'ble High Court.

Yours faithfully,


Under Secretary Finance (Pension)
for Addl. Chief Secretary to Government Haryana,
Finance Department.

A copy is forwarded to Chief Secretary to Government Haryana for information and necessary action.



Under Secretary Finance (Pension)
for Addl. Chief Secretary to Government Haryana,
Finance Department.

To
Chief Secretary to Government Haryana.

U.O. No. 4/34/2014-2Pension dated 11.6.2014.

A copy is forwarded for information and necessary action to:-

1. All Additional Chief Secretaries to Government Haryana.
2. All Principal Secretaries to Government Haryana.


Under Secretary Finance (Pension)
for Addl. Chief Secretary to Government Haryana,
Finance Department.

To
1. All the Additional Chief Secretaries to Govt. Haryana.
2. All Principal Secretaries to Government Haryana.