nITEM NO.5 COURT NO.12 SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).26657/2009

(From the judgement and order dated 18/09/2008 and 10/7/2009 in RA No. 217/2009 & CWP No. 267/2008 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MUNICIPAL COUNCIL,NABHA Petitioner(s)

VERSUS

JAGJIT SINGH & ORS. Respondent(s)

(With appln(s) for c/delay in filing SLP and prayer for interim relief and office report)

Date: 05/05/2011 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr. Suresh C. Gupta, Adv.
Mr. R.P. Joshi, Adv.
Mr. Hari Agarwal, Adv.
For Mr. Praneet Ranjan,Adv.

For Respondent(s) Mr. Rajat Sharma, Adv.
For Mr. R.V. Kameshwaran,Adv.

UPON hearing counsel the Court made the following

O R D E R

In light of the decision of this Court dated December 10, 2009 in 'Bhakra Beas Management Board through its Chairman and Others vs. Hari Chand' (Civil Appeal No.8306 of 2009 arising out of SLP(C) No.8584 of 2005), the impugned order is set aside and the writ petition filed by the respondent-employee is remitted for a fresh consideration of his claim for taking into account

...2/-

the period of service rendered by him on daily wages for computing the qualifying service for pension in light of Rule 3.17A of the Punjab Civil Services Rules.

In the impugned judgment, reliance is placed on a Full Bench decision of the Punjab and Haryana High Court in Kesar Chand vs. State of Punjab' 1988 (2) PLR 223, and on a Division Bench decision in 'Hari Chand vs. Bhakra Beas Management Board and Others' 2005 (2) SCT 95 following the decision in Kesar Chand (supra). This Court in Bhakra Beas Management Board (supra) set aside the decision in Hari Chand (supra) and remitted the case of Hari Chand to the High Court. In Bhakra Beas Management Board, this Court pointed out that the Full Bench decision of the High Court in Kesar Chand was rendered under Rule 3.17 and not under Rule 3.17A of the Punjab Civil Services Rules.

The High Court shall now consider the case of the respondent-employee in light of Rule 3.17A. Since, it is a pensionary matter, this court hopes and expects that the High Court shall pass the final order in the matter without any undue delay

and preferably within four months from the date of receipt/production of a copy of this order.

The special leave petition is disposed of.

(Neetu Khajuria)
Sr.P.A.

(S.S.R. Krishna)
Court Master