

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP(T) No. 4362/2008 (OA 1020/97)

Date of Decision : May 29, 2009

Sh. Laljeet Singh

Petitioner

Versus

State of Himachal Pradesh and others.

Respondents

Coram:

Hon'ble Mr. Justice Sanjay Karol, Judge.

Whether approved for reporting?¹ No.

For the petitioner : Mr. K. D. Shreedhar, Advocate with Mr. Vikrant Thakur, Advocate, for the petitioner.

For the respondents : Mr. R. K. Sharma, Senior Addl. Advocate General with Mr. Vivek Thakur, Addl. Advocate General and Mr. J. S. Rana, Asstt. Advocate General for the respondents.

Sanjay Karol, J. (Oral)

The petitioner has prayed for the following reliefs:

- “(i) That the impugned order (Annexure A-1) may be quashed and set aside and the respondents may be directed to allow retirement pro-rata pensionary benefits of the substantive service rendered under H.P. Government Agriculture Department to the applicant with interest.
- (ii) That the respondents may be directed to produce the entire record pertaining to the case for the perusal of this Hon'ble Tribunal

¹ Whether reports of Local Papers may be allowed to see the judgment?

- (iii) That the respondents may be burdened with the cost of this Original Application throughout.
- (iv) Any other order deemed just and proper in the facts and circumstances of the case may also be passed in favour of the applicant."

Annexure A-1 is the order dated 31.7.1996 which reads as under:

" No.Agr. A(9)1/37
Govt. of Himachal Pradesh
Department of Agriculture.

From The Commissioner-cum-Secretary (Agriculture)
to the Govt. of Himachal Pradesh,
Shimla-171002.

To The Director of Agriculture,
Himachal Pradesh, Shimla-171005.

Dated Shimla-171002, the 31st July, 1996.

Subject: Regarding Dr. Daljeet Singh, formerly Assistant Fruit Technologist.

Sir,

I am directed to refer to your letter No. 2-677/57-Krishi-I dated the 5th February, 1996 and letter No. 2-677/57-Agr-I dated the 10th May, 1996, on the subject cited above and to say that the case of Shri Laljeet singh formerly Assistant Fruit Technologist was examined in consultation with Finance Department and it is pointed out that he can't be allowed retirement benefits as his case is not covered under rules/instructions.

Yours faithfully,

Sd/- (J.R. GAZTA)
Joint Secretary (Agriculture) to the
Govt. of Himachal Pradesh. "

Petitioner was initially appointed as Agriculture Inspector on 10.8.1953 but however later promoted as Technical Assistant with six increments in 1955. He was promoted and confirmed as Manager-cum-Chemist on 1.7.1962. Subsequently petitioner was selected as Expert of Processing Unit in the Punjab State Co-operative Supply and Marketing Federation Ltd. Chandigarh where he joined w.e.f. 1.3.1966.

With his resignation his past service was forfeited in accordance with Rule 26 of the Central Civil Services (Pension) Rules, 1972. Hence petitioner was not entitled for pensionary benefits as claimed for in the present petition.

Rule 37 and Rule 26 of the Central Civil Services (Pension) Rules, 1972 cannot be pressed in favour of the petitioner as there is no ambiguity in the same. The office memorandum dated 5.7.1996 (Annexure A-2) evidently came into operation retrospectively w.e.f. 1976 i.e. date subsequent to the petitioner's resignation, hence is not applicable.

In this view of the matter, the present petition being devoid of merit is dismissed.

**(Sanjay Karol),
Judge.**

**May 29, 2009
(PK)**