

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP (T) No. 7352 of 2008.

Decided on: 28.2.2011.

Shri Sukhbir Singh	... Petitioner.
Versus	
State of Himachal Pradesh and others.	... Respondents.

Coram:

Hon'ble Mr. Justice V.K. Sharma, Judge.

Whether approved for reporting?¹ No.

For the petitioner	:	Mr. G.R. Palsara, Advocate.
For the respondents	:	Mr. Anil Jaswal, Dy. A.G.

Justice V.K. Sharma, Judge (Oral).

The petition has been filed on the following prayers
vide para No. 7 (i) to (vi):-

- “7 (i). That respondents may be directed to count for the services of the applicant for the purpose of pension and other benefits with effect from 17.1.1966 instead of 17.1.1976.
- (ii). The applicant be granted pension on 34 years qualifying service instead of 24 years service.
- (iii). The respondents be directed to refund the sum of Rs. 10,000.00 deducted from his DCRG.
- (iv). The respondent be further directed to pay the G.I.S. amount, pension stopped from 6/2001, commutation amount, step up increments on completion of 8, 24 & 32 years continuous service.
- (v). The respondents be also directed to allow the applicant to retain the Government quarter at standard rate of rent.

¹ Whether reporters of the local papers may be allowed to see the judgment? No.

(vi). The respondents be also directed not to effect any recovery of rent at the market rate.”

2. In reply on behalf of respondent No.3, which has also been adopted by respondents No. 1 & 2, the following stand has been taken vide paras 3 and 6 (i) & (ii) on merits:-

“3. The contents of para No. 3 of the O.A. are not admitted to be correct. Nothing is due to the applicant from the respondent No. 3. On the contrary the applicant owes Rs. 29,411.00 by way of rent to be paid to the respondent No.3 on account of un-authorized occupation of the premises w.e.f. 1.4.2000 upto 31.1.2002. The applicant is still in the un-authorized occupation of the premises belonging to the respondents for which supplementary bill will be supplied to him in due course. The applicant was served notice dated 29.11.2001 asking the applicant to vacate the official premises under his unauthorized occupation. The applicant was also asked to deposit the rent which is due to him. The applicant neither deposited the due rent, nor did he vacate the said official premises. Instead he applied to respondent No.3 vide his application dated 3.12.2001 (copy attached herewith as Ann. R-3/A) wherein he sought permission to continue in the occupation of said official residential premises. The above application of the applicant was, however, rejected and he was once again asked to deposit the due rent and to vacate the said official premises vide letter dated 13.12.2001 (copy attached herewith as Ann. R-3/B).

6 (i)&(ii). The contents of this sub para of para No. 6 of O.A. are admitted to be true to the extent that

the applicant joined service under respondent No.3 w.e.f. 17.1.1966 and his services for the purposes of pension etc. have been calculated from 1976 onwards till his retirement on 31.3.2000. The services rendered by the applicant between 1966 and 1976 could not be counted for the purposes of pension etc. because the applicant failed to enroll himself for CPF accounts as such he became qualified for pensionary benefits w.e.f. 1976 till his retirement on 31.3.2000 for which the pension has been calculated and is being paid to him regularly. Rest of the averments of this sub para are not correct hence denied.”

3. In view of the above reply, in case the petitioner still has any surviving grievance, he may make a representation along with a copy of this judgment to the respondents/competent authority within a month from today who shall consider and decide the same by a speaking order in accordance with law within another month after affording an opportunity of being heard to the petitioner, if so desired.

4. The petition stands disposed of in the above terms, so also pending application(s), if any.

Copy dasti.

(V.K. Sharma)
Judge.

February 28, 2011.
(cr)