IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-14083-2015 (O&M)
Date of decision : 16.07.2015

Manjit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R.K. Arora, Advocate for the petitioner.

JITENDRA CHAUHAN, J.

By way of the present writ petition filed under Articles 226/227 of the Constitution of India, the petitioner seeks issuance of a direction to the respondents to permit the petitioner to exercise new option w.e.f. 01.06.1991, in stead of the earlier option w.e.f. 01.01.1986, in terms of the notification/circular dated 24.12.1992.

The learned counsel for the petitioner states that case of the petitioner is squarely covered by the judgment passed in CWP No.7464 of 2009, titled as Surinder Kumar and others Vs. State of Punjab and others, decided on 25.02.2010. The learned counsel for the petitioner submits that he will be satisfied at this stage, in case, the authorities are directed to decide the legal notice, Annexure P-9.

In the circumstances, without adverting to the merits of the

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case, the respondents are directed to decide the legal notice, Annexure P-10, in accordance with law and in the light of the judgment passed in Surinder Kumar's case (Supra), within a period of four months from the date of receipt of a certified copy of this order. In case, the competent authority reaches to the conclusion that the case of the petitioner is covered, in that eventuality, the petitioner be allowed to re-exercise her option in terms of the Circular dated 24.12.1992. It is clarified that the petitioner shall not be entitled to any arrears of pay but she will be entitled to only the notional pay fixation w.e.f. 1.1.1986, 1.1.1996 and 1.1.2006, as the case may be. However, the petitioner would be paid re-fixed pensionary/retiral benefits on the basis of such notional pay fixation.

Disposed of.

16.07.2015 **(JITENDRA CHAUHAN)**
atulsethi **JUDGE**

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