

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 20299 of 2015
Date of decision: 23.09.2015

Sita DeviPetitioner(s)

Versus

State of Punjab and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

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

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the relief of counting of her ad hoc service rendered against leave vacancy towards qualifying service for grant of pensionary benefits. The claim is based on the judgment of this Court in ***CWP No. 11451 of 2008, Harjit Kaur vs. State of Punjab and others*** decided on 21.04.2009 (Annexure P-2).

The case of the petitioner is that she was initially appointed as JBT teacher in the Punjab Education Department on 17.11.1977 on ad hoc basis against leave vacancy. She continued in different schools till 31.03.1985 and her services were regularized on 01.04.1985 and she was promoted as Head Teacher on 15.04.2008. She superannuated on 31.01.2010. The legal notice was served on 18.10.2012 (Annexure P-3) upon the respondents for the above claim and specifically it was mentioned that service rendered on ad hoc basis against regular vacancies had been taken into consideration for computing qualifying service for grant of pensionary benefits but service rendered against leave/lien vacancy had not been taken into consideration. The details have been mentioned in para no.

2 of the legal notice (Annexure P-3).

Keeping in view the fact that the said issue has not been decided by the respondents, this Court does not feel necessary to call upon the respondents to file reply.

Accordingly, this writ petition is disposed of with a direction to respondent no. 2 to take into consideration the legal notice dated 18.10.2012 (Annexure P-3) and decide the same within a period of 3 months from the date of receipt of certified copy of the order keeping in view the judgment of this Court in *Harjit Kaur's case (supra)*. Needless to say that in case the relief is to be denied, the order should contain reasons.

23.09.2015
shivani

(G.S. SANDHAWALIA)
JUDGE