

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

**CWP No.25215 of 2015
Date of decision: 3.12.2015**

Sh. Charanjit Singh Brar (Retd.) ... Petitioner

Versus

State of Punjab & ors. ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Surmukh Singh, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner has approached this Court for counting his service rendered in the Government Adarsh Higher Secondary School. He served in that school which was affiliate to the Punjab School Education Board, Mohali from October 8, 1979 to July 24, 1991. The petitioner resigned from the school on July 24, 1991 to accept an offer of direct appointment as a lecturer in regular grade with the Punjab Education Department. The petitioner joined the new post on July 26, 1991 when his name was recommended by the Punjab Public Service Commission, Patiala. He retired from service on January 31, 2012. He has staked his claim through a representation dated April 28, 2014 (Annexure P-9) and legal notice dated July 24, 2014 (Annexure P-10) served on the competent authority for counting of past service towards service benefits. In response to the legal notice, the petitioner has been

communicated the memo dated January 2, 2015 which informs him that his claim is under consideration of the department. However, no final decision has been taken so far on his request.

2. Mr. Surmukh Singh learned counsel appearing for the petitioner prays that this Court may issue a direction to the decision-maker amongst the respondents to take up the representation/legal notice and decide the same in accordance with law by passing a speaking order after hearing the petitioner. The request is fair and genuine and is accepted and a direction is issued to decide the claim promptly.

3. Therefore, while considering the case of the petitioner as set out in the representation/legal notice, the decision-maker will pay due regard to the orders passed by this Court, copies of which are annexed as Annexures P-6 and P-7. In case, the rights declared in Annexure P-6 and P-7 are in *rem* and apply to the case of the petitioner then a decision be taken accordingly. In case, the matter is covered by the verdicts of this Court, then it would not be necessary for the department to hear the petitioner and relief can be granted to him without much ado. However, if an adverse order is contemplated then the necessity would arise for hearing the petitioner and passing a speaking order containing reasons for the conclusion reached. These directions are issued without expressing any opinion on the merits of the case and the decision-maker would take an independent decision as per rules and as per law declared by this Court in case the ratio applies in every sense. The exercise is directed to be completed within two months from the date of receipt of a certified copy of this order.

4. With the above directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

3.12.2015
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