

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

CWP No. 1080 of 2016
Date of decision: 20.01.2016

Amrit Lal

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

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

G.S.SANDHAWALIA, J. (Oral)

Prayer made in the present writ petition is for counting the service rendered by the petitioner in the privately managed government aided school alongwith regular service in Government School for calculating pension and other pensionary benefits.

It is the case of the petitioner that he was initially appointed as a B.A. B.Ed. Teacher w.e.f. 01.10.1968 at DAV Higher Secondary School, Dasuya (Hoshiarpur) in a privately managed government aided school and his appointment was approved on 12.02.1970 from the date of appointment. Thereafter, he applied for the post of Social Studies Master and joined at the Government Middle School, Chak Kalan, District Hoshiarpur on 18.09.1978 and has retired on 31.03.2005 on attaining the age of superannuation. The benefit is sought in view of the judgment passed by this Court in ***CWP No. 14238 of 1991, Sukhdev Singh and others vs. State of Punjab and others***, decided on 10.03.2010 (Annexure P-3).

Counsel, at the outset, submits that the petitioner has sent a

legal notice only on 02.11.2015 (Annexure P-5) for the said benefits and, therefore, and he would be satisfied if a direction is issued to respondent no. 2 to decide the said legal notice within a time bound frame. He further submits that the benefit to be given may be restricted only to 38 months prior to serving of legal notice as he never resorted to any legal remedy prior to that or made any representation.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents. Copy of the writ petition has been supplied to him in Court.

Keeping in view the limited relief sought, this Court is of the opinion that there is no need for the respondents to file reply.

Accordingly, without commenting on the merits of the case this writ petition is disposed of with a direction to respondent no. 2 to decide the legal notice dated 02.11.2015 (Annexure P-5) within a period of 3 months from the date of receipt of certified copy of the order. In case the amount is found to be due, the same be paid within a period of 2 months thereafter. It is made clear that in case any relief is to be granted, the same will be restricted to a period of 38 months from the date of service of legal notice, as submitted by the counsel for the purpose of arrears. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioner.

20.01.2016
shivani

(G.S. SANDHAWALIA)
JUDGE