

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

CWP No. 10818 of 2016
Date of decision: 31.05.2016

Smt. Kamlesh Sharma

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Aman Chaudhary, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the counting of service rendered by her husband in the erstwhile respondent no. 5-Shivalik College, Naya Nangal, District Roopnagar from the date of his appointment till the date of taking over of the said college by the State on 12.05.1997. For the said relief, reliance has been placed upon the judgment of this Court in ***CWP No. 19214 of 2009, Darshan Singh vs. State of Punjab and others***, decided on 23.08.2011 (Annexure P-3), which was upheld in LPA No. 637 of 2012 on 06.11.2012 and further by the Apex Court whereby, the SLP was withdrawn. The review has also been dismissed thereafter by the LPA Bench on 01.04.2016 (Annexure P-12).

It is the case of the petitioner that her husband was working as Senior Scale Stenographer w.e.f. 13.07.1981 and the college was taken over in May, 1997. He retired on 30.09.2004 and accordingly the period prior to taking over i.e. 12.05.1997 was not being reckoned for the grant of pensionary/retiral benefits in spite of the representation dated 09.02.2016

(Annexure P-9). Reference is also made to directions issued in CWP No. 21859 of 2008, Lachhman Dass and others vs. State of Punjab and others, decided on 04.02.2013 (Annexure P-5), which was unsuccessfully tested before the Apex Court in SLP No. 34739 of 2013 on 20.04.2015 (Annexure P-6). Reference is also made to the directions issued by the State on 27.02.2013 for implementing the case of Lachhman Dass.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the State. He is supplied copy of the paperbook.

Keeping in view the limited relief sought, this Court does not feel necessary to call upon the respondents to file reply.

In the light of the facts noticed above, the present writ petition is disposed of with a direction to respondent no. 3 to decide the representation dated 09.02.2016 (Annexure P-9) within a period of 3 months from the date of receipt of certified copy of the order. Needless to say if the relief is to be denied, the order shall contain reasons.

31.05.2016
shivani

(G.S. SANDHAWALIA)
JUDGE