

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

**CWP No.12020 of 2016
Date of decision: 10.08.2016**

Sukhdev Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Daya Chaudhary, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the action of respondents in not granting the benefit under the Old Pension and GPF Scheme admissible prior to 01.01.2004 instead of applying New Defined Contributory Pension Scheme.

Learned counsel for the petitioner submits that the appointment letter was issued to the petitioner on 01.10.1993 but the same was cancelled vide letter dated 11.04.1994. The petitioner made representation and ultimately filed CWP No.17126 of 1999. On the basis of direction issued in the aforesaid petition vide order dated 18.09.2001, the petitioner was given appointment on compassionate ground on 14.07.2005. Learned counsel further submits that the petitioner is entitled for benefit under the Old Pension and GPF Scheme admissible prior to 01.01.2004 instead of New Defined Contributory Pension Scheme as the petitioner was not at fault but his case has not been considered. The petitioner also served a legal notice

on 21.04.2016 upon the respondents but no action has been taken thereupon so far. Learned counsel also submits that the petitioner would be satisfied in case, directions are issued to consider the legal notice dated 21.04.2016 (Annexure P-17).

Keeping in view the limited prayer of the petitioner and without commenting anything on the merits of the case, the present writ petition is disposed of with a direction to respondent No.3 to consider the legal notice (Annexure P-17) and take necessary action in accordance with law within a period of three months from the date of receipt of certified copy of this order.

In case, the petitioner is found to be entitled for the necessary benefits, the same be granted to him within a period of three months thereafter.

Disposed of accordingly.

10.08.2016
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	√ Yes/No
Whether Reportable	√ Yes/No