

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.3559 of 2016

Date of decision: 23.2.2016

Kewal Krishan Kataria

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Anoop Singla, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks release of pensionary benefits i.e. gratuity by counting of past service rendered by him in the previous department along with interest.

The pleaded case of the petitioner is that he had joined Kotkapura Co-operative Spinning Mills Ltd., Sandhwan, Distt. Faridkot on 6.6.1979. Notice of retrenchment had been served upon him whereby he along with others had approached this Court by way of filing Civil Writ Petition No.2483 of 1999 titled as Pawan Kumar Dutta and others Vs. State of Punjab and others which came up for hearing on 28.9.1999. Certain directions were issued how the petitioner was to be absorbed. However, he was to be considered as a fresh appointee and his pay was to be protected and the past service would be counted for benefits like pension and (if the post is pensionable) and other service benefits but not for seniority.

It is further the case of the petitioner that thereafter he was absorbed with respondent no.2 and has retired on 31.10.2012. However, the gratuity which has been paid to him for the period of service does not take into consideration his earlier service rendered prior to absorption.

Counsel for the petitioner submits that legal notice dated

15.1.2016 (Annexure P/6) in this regard has already been served upon the respondents which is still pending consideration and he would be satisfied if a direction is issued to respondent no.2 to decide the said legal notice within some fixed time frame.

Keeping in view the limited relief sought by the petitioner, this Court is of the opinion that there is no requirement of calling for any reply on behalf of the State.

Accordingly, without commenting upon the merits of the case, the present writ petition is disposed of with a direction to respondent no.2 to take into consideration the said legal notice dated 15.1.2016 (Annexure P/6) and pass an appropriate order in accordance with law within a period of three months from the date of receipt of a certified copy of this order. In case the petitioner is found entitled for the said benefit, the financial benefits be paid to him within one month thereafter. In case any adverse order is to be passed then a reasoned order be passed by the said respondent and be conveyed to the petitioner.

The present writ petition is disposed off with the aforesaid directions.

February 23, 2016
Pka

(G.S.SANDHAWALIA)
Judge