

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

Date of decision: 17.05.2016

CWP No.9657 of 2016

Yash Pal Sharma & others

...Petitioners

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

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

RAJIV NARAIN RAINA, J. (ORAL)

The service rendered in a privately managed Government aided school has been held to be countable towards pension and gratuity etc. when followed by service under the State Government by a decision rendered by the learned Single Judge of this Court in CWP No.14238 of 1991 decided on 10.3.2010; Sukhdev Singh and others Vs. State of Punjab and others.

Despite declaration of law settling the issue, the State of Punjab has been forcing similarly situated persons to approach Court compelling them to seek orders and directions to decide representations/legal notices, served by the aggrieved employees on their decision makers, within a time bound period as they remain pending for an unreasonable long time.

The present case is no exception. The petitioners are before this Court relying on the decision of the learned Single Judge of this Court and

various orders passed by coordinate benches directing the Government to pass speaking orders on their representations within periods fixed by Court. In the circumstances, Mr.Arora submits that instead of issuing notice of motion in the case which will only delay the matter, it would suffice if a direction is issued to the decision-maker to consider and decide the notice (Annex P-9) within a reasonable period.

The request is fair and reasonable and is, accordingly, accepted.

Accordingly, a direction is issued to the decision-maker in the respondents to consider and decide the notice (Annex P-9) within a period of 30 days from the date of receipt of a certified copy of this order. If similarly situated persons have been granted the benefits, then it would not be necessary for the respondents/decision-maker to pass a speaking order and it would be sufficient to pass office orders granting the monetary benefits. In case, there is any departure found, then the petitioners would be heard and a reasoned order passed disclosing the process of reasoning adopted to arrive at the conclusions. The period of 30 days has been fixed in view of the fact that several Court orders have been placed on the writ record instituted last year. Therefore, this Court assumes that the decision-maker has already applied its mind several over times and really needs only one day to take the decision, the law being presumably on its finger tips.

With these directions, the petition stands disposed of.

17.05.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE