

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.15664 of 2017 (O&M)
Date of Decision: 20.07.2017

Gopal Singh

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sawinder Singh, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

As per pleadings on record, petitioner had rendered service w.e.f. 25.7.1983 to 20.12.1996 against the post of Art & Craft Teacher in an institution which was private, though, State aided. Thereafter, having been duly selected, petitioner joined the Education Department on the post of Art & Craft Teacher on 21.12.1996.

The instant petition has been filed raising an innocuous prayer for issuance of a Writ of Mandamus for directing the respondents to take a final decision on the legal notice dated 8.2.2017 (Annexure P-9).

The legal notice dated 8.2.2017 (Annexure P-9) has been perused. The claim put forth is of the service rendered by the petitioner for the period w.e.f. 25.7.1983 to 20.12.1996 be counted at the stage of computing the retiral benefits of the petitioner.

Concededly, the date of superannuation of the petitioner is 31.10.2019. The instant petition is founded only on an apprehension that the period in question and as noticed herein above would not be counted at that stage while calculating the pensionary/retiral benefits.

Petition, as such, is premature and founded on an apprehension.

Confronted with such a situation counsel prays for withdrawal of the petition with liberty to approach this Court afresh on the same cause of action and upon passing of any order which may be construed as a rejection of the claim set forth in the instant petition.

Prayer is allowed.

Dismissed as withdrawn with the liberty as prayed for.

It is, however, clarified that the liberty that has been granted to the petitioner would not be taken as an expression of opinion of this Court on merits as regards the claim and prayer that has been raised.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

20.07.2017

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Whether speaking/reasoned:	Yes
Whether Reportable:	No