

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

CWP No.17209 of 2017 (O&M)

Date of Decision:04.08.2017

Krishan Chand & others

--Petitioners

Versus

State of Punjab & others

--Respondents

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

Present:- Mr. Anil Rana, Advocate for
Mr. Puneet Gupta, Advocate for the petitioners.

TEJINDER SINGH DHINDSA, J.

Petitioners, who are nine in number are stated to have rendered service over different lengths of time in the Municipal College i.e. Shaheed Bhagat Singh Memorial College, Kotkapura prior to take over of such College by the Department of Education, State of Punjab on 12.05.1997.

The precise claim set up in the instant petition is that their services rendered in the afore-noticed College prior to take over by the Department of Education, State of Punjab be taken into reckoning for purposes of grant of pensionary and other admissible retiral benefits.

Counsel contends that the claim raised in the instant petition would be squarely covered in terms of judgment dated 23.08.2011 rendered by a Coordinate Bench of this Court in **CWPNo.19214-2009 (Darshan Singh Versus State of Punjab & others)** at Annexure P-4 and whereby identical claim raised by the petitioner therein and who had also served in the same very college had been allowed. Counsel submits that the judgment passed in **Darshan Singh's case (supra)** was affirmed by the Letter's Patent Bench in the light of decision dated 06.11.2012 and whereby LPA No.673

of 2012 preferred by the State of Punjab was dismissed.

In the light of the facts and circumstances noticed herein above and in view of the submissions advanced by counsel, I deem it appropriate to dispose of the instant petition with a direction to respondent No.2 i.e. the Director, Public Instructions (Colleges), Punjab to examine the claim of the petitioners against the backdrop of a representation dated 17.09.2015 at Annexure P-13.

Respondent No.2 is directed to take a final decision on the representation expeditiously and in any case within a period of three months from the date of receipt of a certified copy of this order.

It is clarified that the benefit of this order shall enure only in favour of such petitioners, who have already retired or are on the verge of retirement. Insofar as other petitioners are concerned, the instant petition is held to be pre-mature.

Disposed of.

04.08.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |