

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

Sr. No.115

Civil Writ Petition No.19240 of 2017
DECIDED ON: September 15, 2017

KULWANT KAUSHAL

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Raj Paul Kansal, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of mandamus directing the respondents to consider the entire service rendered by the petitioner on daily wages from November 01, 1991 to October 31, 2011 as Pump Operator for the purpose of General Provident Fund and Pensionary Scheme and service of the petitioner be treated as qualifying service for grant of pension and petitioner be granted pensionary/retiral benefits and all arrears thereof and further direction to pay full amount of gratuity admissible to him till October 31, 2011 as he has been paid gratuity by taking into consideration the service rendered upto October 31, 2009 and petitioner is entitled to gratuity for whole period of service till October 31, 2011.

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2. Learned counsel for the petitioner submits that a legal notice was issued to respondents on March 02, 2017 (P-4) but till date neither any reply to the said legal notice has been received nor any final order has been passed by the concerned authorities.

3. Learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondent No.2 to decide legal notice dated March 02, 2017 (Annexure P-4) in a time bound manner.

4. Instant petition is disposed of with a direction to respondent No.2-Chief Engineer, PWD, Punjab Public Health and Sanitation Department, Patiala to look into the grievances unfolded by the petitioner in his legal notice dated March 02, 2017 (P-4) and to take a conscious decision by passing a speaking order in view of service rules, notifications/instructions issued by the Government of Punjab from time to time as well as in the light of judgment in case *Harbans Lal vs. The State of Punjab and ors.*, CWP No.2371 of 2010 decided on August 31, 2010 passed by this Court within a period of three months from the date of receipt of certified copy of this order.

5. However, if petitioner still feels aggrieved by any order of the afore-said authority, he shall be at liberty to approach this Court.

September 15, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**