

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.21453 of 2017
DECIDED ON: SEPTEMBER 20, 2017

BAKSHISH SINGH

.....PETITIONER..

VERSUS

UNION OF INDIA AND OTHERS

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Onkar Singh, Advocate,
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226 and 227 of the Constitution of India, the petitioner has sought issuance of a writ especially in the nature of certiorari for quashing letter/order dated 22.08.2016 (Annexure P-3) AS WELL AS writ of mandamus directing the respondent for counting the period from 07.04.1984 to 31.07.2004 towards his total length of service for the purpose of pensionary benefits as well as grant thereof.

2. The contention of learned counsel for the petitioner is that petitioner moved representation dated 18.11.2011 (Annexure P-2) but it was not dealt with and disposed of, despite the fact that a large number of reminders were sent to the concerned authorities. Subsequently, vide letter/order dated 22.08.2016 (Annexure P-3), aforesaid representation was disposed of, that too, not by

considering the service record of the petitioner but that of some Late NK Om Parkash, as is evident from paragraph No.3 of Annexure P-3 referred to above. However, other paragraphs pertain to the petitioner. Thus, the same can be termed to be the non-application of mind as well as appreciation of the actual facts. Learned counsel for the petitioner, at this juncture, feels satisfied in case representation dated 18.11.2011 (Annexure P-2) be got disposed of a fresh.

3. Taking into consideration the aforesaid aspect of the case but without expressing any opinion on the merits, the instant petition is disposed of with the direction to respondents No. 2 and 3 to reconsider the grievances ventilated in the representation dated 18.11.2011 (Annexure P-2) and take a conscious decision a fresh, keeping in view the Rules and Regulations applicable to the petitioner, within a period of three months from the date of receipt of certified copy of this order and if the concerned authorities arrived at a conclusion that the petitioner is entitled to the benefits claimed by him, to release/disburse the same within next one month thereafter.

4. However, if the petitioner still feels aggrieved of the order passed by the concerned authorities on his representation referred to above, he shall be at liberty to approach this Court.

SEPTEMBER 20, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***