

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.21482 of 2017
DECIDED ON: SEPTEMBER 20, 2017

AMRIK SINGH

.....PETITIONER..

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226 & 227 of the Constitution of India, the petitioner has sought issuance of a writ in the nature of certiorari for quashing of office order dated 18.08.2016 (Annexure P-7) issued by respondent No.3-Chief Engineer whereby the claim of the petitioner for counting his service rendered in privately managed aided school for the purposes of pensionary benefits payable to him while he was superannuated on 31.01.2006 from service of respondent-State Govt., was declined and further that the petitioner is entitled to the benefit claimed by him through instant petition in view of the judgments already referred in the legal notice captioned as “*Charan Singh v. State of Punjab*”, 2006(4) SCT 151 DB, “*Harmandan Singh v. State of Punjab*”, 2007(2) RSJ 437 DB as well as

judgment passed in CWP No.14238 of 1991 titled as “***Sukhdev Singh and others v. State of Punjab and others***” decided on 10.03.2010 (Annexure P-13), which has attained finality as submitted by learned counsel for the petitioner.

2. At the very outset of the arguments, it has emerged from the arguments put forth by learned counsel for the petitioner as well as writ petition and documents annexed herewith that the claim with regard to the counting of service rendered in privately managed aided school by the petitioner towards pensionary benefits has been declined by respondent No.3- Chief Engineer(Canals), Department of Irrigation, Chandigarh simply on the ground that the same cannot be counted as per policy dated 10.02.1992 (Annexure P-10). In fact, a glance at the impugned order dated 18.08.2016 (Annexure P-7) reveals that it is neither a speaking order nor any specific reason has been assigned for declining the relief to the petitioner. Otherwise, it appears to be the non-application of judicial mind. Even, the contents of legal notice dated 02.09.2013 (Annexure P-5) have not been considered by the concerned authority, which appears to have resulted into miscarriage of justice. Accordingly, the impugned order dated 18.08.2016 cannot be said to be inconsonance with the legal proposition.

3. As such, the instant petition is disposed of with the direction to respondent No.3-Chief Engineer (Canals), Department of Irrigation, Chandigarh to reconsider the matter elaborated in the legal notice dated 02.09.2013 (Annexure P-5), in the light of aforesaid judgements especially ***Sukhdev Singh's case*** (supra) (Annexure P-13) as well as Rules, Regulations and notifications, if any, applicable to the facts and circumstances of the instant

case, within a period of three months from the date of receipt of certified copy of this order, that too, by passing a speaking order after giving an opportunity of hearing to the petitioner.

4. However, in case, the petitioner still feels aggrieved of the order passed by concerned authority, 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*