

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.22695 of 2017
DECIDED ON: OCTOBER 04, 2017

KARNAIL SINGH AND OTHERSPETITIONERS.

VERSUS

PEPSU ROAD TRANSPORT CORP.RESPONDENTS.
LTD. THROUGH MANAGING DIRECTOR

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. P.S. Khurana, Advocate for the petitioners.

JASPAL SINGH, J (ORAL)

Through instant petition preferred under Article 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of mandamus directing the respondents to count qualifying service for grant of revised pensionary benefits w.e.f. date of their joining the Corp. instead of date of contribution to provident fund and extending benefit of the law laid down in CWP No.8285 of 2004, "*Ved Parkash v. State of Punjab and others*" on 16.09.2010 (Annexure P-2) wherein LPA No. 207 of 2011, "*PRTC v. Ved Parkash and another*" was dismissed on 03.02.2011 (Annexure P-3) while SLP filed by PRTC was dismissed on 12.01.2012 and in view of judgment rendered in CWP No. 4453 of 2012, "*Gurdial Singh and others v. PRTC and another*" decided on 12.03.2012 (Annexure P-4) which has been implemented vide affidavit dated 04.02.2013 (Annexure P-5), along with interest on delayed payments @ 18% per annum.

2. At the very outset, learned counsel for the petitioners submits that

petitioners feel satisfied in case direction is issued to respondent to decide the legal notice dated 08.06.2017 (Annexure P-6) within a stipulated period.

3. Accordingly, instant petition is disposed of with a direction to respondent to consider the claim of the petitioners ventilated in their legal notice dated 08.06.2017 (Annexure P-6) and to take a conscious decision, particularly keeping in view the observations made in *Ved Parkash's case* (supra) (Annexure P-2), which has attained finality and *Gurdial Singh's case* (supra) (Annexure P-4), which stood implemented as per affidavit dated 04.02.2013 (Annexure P-5), within a period of two months from the date of receipt of certified copy of this order. In case, the concerned authority comes to the conclusion that petitioners are entitled to the benefits claimed through aforesaid legal notice, to release/disburse the same within a period of next one month. The factum of grant of interest be also considered in view of the observations made by Full Bench of this Court in case captioned as *"R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318* and in view of the judgment passed by this Court in CWP No.22242 of 2017, captioned as *"Ramesh Kumar v. State of Punjab and others"*, decided on 28.09.2017 as well as notification No.1/15/90-IFPIII/4226, dated 10.05.1990, issued by Govt. of Punjab, Department of Finance (Finance Personnel III Branch).

4. However, if the petitioners still feel aggrieved of the order passed by the concerned authority, they shall be at liberty to approach this Court.

OCTOBER 04, 2017,

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Whether speaking/reasoned Yes

(JASPAL SINGH)

JUDGE

Whether reportable

Yes/No