

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

Sr. No.115

Civil Writ Petition No.27717 of 2017
DECIDED ON: December 06, 2017

NATHU RAM

..PETITIONER

VERSUS

**PEPSU ROAD TRANSPORT CORPORATION, NABHA ROAD,
PATIALA**

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vikas Chatrath, Advocate with
Ms. Shalini Verma, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ especially in the nature of Mandamus directing the respondents to count qualifying service for grant of pensionary benefits w.e.f. date of his joining the Corporation instead of date of contribution to Provident Fund by extending the benefit of the law laid down in ***CWP No.8285 of 2004, Ved Parkash vs. State of Punjab & ors. decided on September 16, 2010*** (P-2) wherein ***LPA No.207 of 2011, P.R.T.C. Vs. Ved Parkash & anr.*** was dismissed on February 03, 2011 (P-3) wherein S.L.P. filed by P.R.T.C. was

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dismissed on January 12, 2012 and also in view of judgment rendered in ***CWP No.4453 of 2012, Gurdial Singh & ors. vs. P.R.T.C. & anr. Decided on March 12, 2012 (P-4)***, which stands implemented vide affidavit dated February 04, 2013 (P-5), as such Sub Regulation 6 mentioned in Chapter III of PEPSU Road Transport Corporation Employees Pension/Gratuity and General Provident Fund Regulations, 1992 vide which it has been provided that qualifying service for grant of pensionary benefits would be counted from date of contribution to provident fund rather than date of joining the Corporation would be deemed to have been read down in favour of the petitioner on account of judicial pronouncements AND further directing the respondents to release withheld gratuity amounting to Rs.2,28,692/- on account of pending ***RSA No.1003 of 1997, P.R.T.C. Vs. Nathu Ram*** which stands allowed along with interest @ 18% per annum especially in view of law laid down in ***Y.K. Singla vs. Punjab National Bank & ors., 2013 (3) SCT 663 (SC)*** as well as ***CWP No.15306 of 2016, Hari Ram & ors. vs. Pepsu Road Transport Corporation, Nabha Road, Patiala decided on 04.09.2017 (P-10)***.

2. Learned counsel for the petitioner contends that though a legal notice was made to the respondent on April 18, 2017 (P-9) but till date neither any reply to the said legal notice has been received nor any final order has been passed by the concerned Department. However, learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondent to decide the aforesaid legal notice within some specified period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent to look into the

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grievances unfolded by the petitioner in his legal notice dated April 18, 2017 (P-9) and to take a conscious decision by passing a speaking order in the light of the aforesaid judgments mentioned in para no.1 of this order, within a period of three months from the date of receipt of a certified copy of this order.

4. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to approach this Court.

December 06, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**