

CWP No. 29000 of 2017

DECIDED ON: DECEMBER 19, 2017

PARDHAN SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Alka Chatrath, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to count the service rendered by him from 16.01.1981 to 26.09.1986 in the Police Department, Punjab and from 27.09.1986 to 31.12.1989 in Market Committed, Bholath, District Kapurthala as qualifying service for the purpose of pension under the Punjab Civil Services Rules, Vol-II, as per instructions dated 20.05.1982 and 07.02.1986 (P-8 and P-9) and as per judgments passed by this Court dated 10.03.2010, 05.10.2010, 23.02.2011 and 21.07.2011 (P-10 to P-13, respectively) and to grant the revised pensionary benefits by counting the total service. .

2. Learned counsel for the petitioner has submitted that though a legal notice dated 25.06.2017 (P-14) was served upon the respondents but till date

neither any reply has been sent by the respondents nor any conscious decision has been taken on the said legal notice. Learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondents consider and decide the afore-said legal notice (P-14) within some stipulated period.

3. Accordingly, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the legal notice (Annexure P-14) and to take a conscious decision within a period of four months from the date of receipt of certified copy of this order in accordance with law by passing a speaking order; that too after hearing the petitioner. In case the authority comes to the conclusion that petitioner is entitled to the relief(s) claimed by him, the arrears thereof, be released to the petitioner within next 45 days. However, the claim of the petitioner for the consequential relief in respect of arrears shall stand restricted to a period of 38 months prior to the date of filing of instant writ petition, in view of judgment passed by this Court in the case of ***Saroj Kumari vs. State of Punjab; 1998 (3) SCT 664.***

4. However, in case petitioner still feels aggrieved of the order passed by the authorities concerned, he shall be at liberty to approach this Court.

DECEMBER 19, 2017
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>