

CWP No. 13172 of 2018
DECIDED ON: MAY 23, 2018

DALIP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gagneshwar Walia, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of mandamus directing the respondents to count the services rendered by him w.e.f. 02.09.1985 to 18.11.1985, 22.02.1996 to 21.06.1999, 11.12.1985 to 14.12.1986, 01.12.1988 to 25.05.1989 i.e temporary and officiating service as qualifying service for the computation of pensionary and other service benefits including revision of pension, gratuity and leave encashment, seniority and promotion in terms of Rule 3.17 of the Punjab Civil Services Rules and also being covered by the judgment this Court rendered in CWP No. 23382 of 2014 captioned as *Jagjit Singh vs. State of Punjab*; decided on 18.03.2017 (P-4). With further direction to respondents to revise the pensionary benefits/pay along-with arrears by notionally promoting him (petitioner) with effect from

the date of promotion of his juniors, in terms of Punjab Roadways (Operational) State Service Class III (First Amendment) Rules, 2000 and for grant of consequential relief in terms thereof.

2. At the very outset learned counsel for the petitioner submits that even though the petitioner served legal notice dated 15.02.2018 (P-11) upon the respondents but till date neither any response to the notice has been received nor any conscious decision has been taken. He further submits that petitioner feels satisfied in case a direction is issued to respondent No.2 to consider and decide the afore-said legal notice (P-11) within a time bound manner.

3. Without expressing any opinion on merit as well as in view of submission made by learned counsel for the petitioner, instant petition is disposed of with a direction to respondent No.2 to look into the grievances unfolded by the petitioner in the legal notice dated 15.02.2018 (P-11) and to decide the same in accordance with law, rules and regulation, within a period of three months from the date of receipt of certified copy of this order.

4. However, in case the petitioner feels aggrieved by any in-action of the afore-said authority, he shall be at liberty to have recourse to other remedies available to him under law including to approach this Court.

MAY 23, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*