

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

CWP No.6427 of 2011

Date of Decision: May 23, 2018

Shiv Kumar Sappal

.....PETITIONER

Vs.

State of Punjab and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr.Sushil Saini, Advocate for the petitioner.

Mr. Jaswinder Singh, Sr. DAG, Punjab.

Mr.Jaspal Singh Guru, Advocate for
Mr.Rahul Sharma, Advocate for respondent No.6.

JASPAL SINGH J. (ORAL)

By virtue of the instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to release the pensionary benefits to the petitioner by counting the entire service rendered by him w.e.f. 23.01.1961 to 31.12.1998 i.e. the date of his retirement on superannuation by clubbing all the three spells of service rendered by him in the Punjab Government, Department of Industries, Punjab State Leather Development Corporation Ltd.(a Punjab Govt. Undertaking) and of the Revenue Department, Punjab Govt. for the revision of pension on retirement on superannuation w.e.f. 01.01.1999 and also to release all consequential benefits to the petitioner.

At the very outset of the arguments, it has emerged that during the pendency of the said petition, Govt. of Punjab, Department of Finance has issued instructions dated April 18, 2016 with regard to counting of service of employees/retired employees of State Autonomous Bodies/ Boards and Corporations for the purpose of pension and pensionary benefits in Government Departments.

Subsequent to issuance of the aforesaid instructions, petitioner made representation dated May 16, 2016 (Annexure P-14) to the Deputy Commissioner,

Ludhiana for the grant of benefit of the aforesaid instructions and the revision of pension which was followed by another representation dated June 09, 2016 (Annexure P-15) to the Deputy Commissioner, Ludhiana.

Though, a period of two years approximately is going to expire, yet the respondents have not taken any conscious or final decision on the aforesaid representations either on account of the pendency of the instant petition or for some other reasons. However, at this juncture, the petitioner feels satisfied in case a direction is issued to consider his aforesaid representations made by him and to take a decision in a time bound manner.

Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to the respondents-authorities particularly respondents No. 3 and 4 to look into the grievances unfolded by the petitioner in his representations dated May 16, 2016 (Annexure-14) and June 09, 2016 (Annexure P-15) and to take a conscious decision by passing a speaking order as per rules within a period of three months from the date of receipt of a certified copy of this order.

In case the concerned authorities arrived at a conclusion that the petitioner is entitled to the benefit claimed through the aforesaid representations, to calculate and make payment thereof within a period of 45 days thereafter.

However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to have recourse to the remedies available under law including to approach this Court.

(JASPAL SINGH)
JUDGE

23.05.2018

Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No