

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.128

Civil Writ Petition No.19724 of 2018
DECIDED ON: August 09, 2018

NAHAR SINGH AND OTHERS

..PETITIONERS

VERSUS

PEPSU ROAD TRANSPORT CORPORATION, NABHA ROAD,
PATIALA THROUGH ITS MANAGING DIRECTOR

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vikas Chatrath, Advocate, for the petitioners.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of Mandamus directing the respondent to count qualifying service for grant of revised pensionary benefits w.e.f. date of their joining of Corporation instead of date of contribution to provident fund by extending benefit of law laid down in CWP No.8285 of 2004, captioned as *Ved Parkash vs. State of Punjab & ors.*, decided on 16.09.2010 (P-2) wherein LPA No.207 of 2011, *P.R.T.C. vs. Ved Parkash & anr.* was dismissed on 03.02.2011 (P-3) while SLP filed by P.R.T.C. was also dismissed on 12.01.2012 and CWP No.4453 of 2012, titled as *Gurdial Singh & ors. vs. P.R.T.C. & anr.*, decided on 12.03.2012 (P-4) which has been implemented vide affidavit dated 04.02.2013 (P-5) along with CWP No.7386 of 2016, captioned as *Harmeet Kaur vs. Pepsu Road Transport*

Civil Writ Petition No.19724 of 2018

Corporation, Nabha Road, Patiala, decided on 23.04.2018 (P-7) 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 from date of joining Corporation along with arrears as well as interest @ 18% p.a. on the delayed payments.

2. Learned counsel for the petitioners contends that though a legal notice dated 01.05.2018 (P-6) was made to the respondent but till date no conscious decision has been taken thereon. He further submits that petitioners feel satisfied in case a direction is issued to respondent to decide the above said legal notice (P-6), 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 consider the grievances unfolded by the petitioners in the legal notice dated 01.05.2018 (P-6) and to take a conscious decision by passing a speaking order, within a period of three months from the date of receipt of a certified copy of this order.

4. However, if petitioners still feel aggrieved by any of the orders passed by the aforesaid authority, they shall be at liberty to have recourse to the remedies available under law as well as to approach this Court.

August 09, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**