

**CWP No. 2169 of 2017
DECIDED ON: MAY 21, 2018**

MANJIT KAUR AND OTHERS

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ritesh Pandey, Advocate
for the petitioners.

Mr. Jaswinder Singh, Sr. DAG, Punjab.

JASPAL SINGH, J. (ORDER)

By virtue of instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioners have sought issuance of a writ particularly in the nature of Mandamus directing the respondents to count the daily wage service rendered by the husband of petitioner No.1 before regularization as qualifying service for the purpose of pensionary/retiral benefits as per the Old General Provident Fund Scheme which was applicable to the employees recruited in Punjab Government Service prior to 01.01.2004 in view of the judgments passed by this Court, dated 31.08.2010 (P-3), 14.07.2014 (P-4) and 07.01.2016 (P-5) and thereafter to release the family pension.

2. In response to notice of motion, respondents No.1 to 3 filed short reply by way of an affidavit of Harjinder Singh Sandhu, IPS, Commandant, 9th

Battalion PAP, Amritsar submitting that respondent No.2 has already step

forward to extend the benefit of afore-said judgments/orders passed by this Court and implemented by the State Government to the similarly situated employees by sending proposal to the Government. The competency which lies with the Finance Department to consider and take final decision in the matter due to implication of financial liability.

3. The afore-said assertions were made by respondents No.1 to 3 while filing the short reply dated 12.10.2017. A period approximately more than 7 months has expired but it appears that till date no action has been taken in the matter. At this juncture, learned counsel for the petitioners submits that petitioners feel satisfied in case direction is issued to respondents particularly Finance Department, to take a conscious decision, within a stipulated period

4. Thus, in view of the facts narrated above but without expressing any opinion on merit, Instant petition is disposed of with a direction to respondents particularly Secretary, Finance, Punjab to take a conscious decision in the matter within a period of three months from the date of receipt of certified copy of this order and in case the authority passed the order in negative in that event to pass a speaking order taking into consideration all the aspects.

5. However, in case petitioners are still aggrieved by any in action of the concerned authority, they shall be at liberty to have recourse to other remedies available under law including to approach this Court.

MAY 21, 2018
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(JASPAL SINGH)
JUDGE

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