

CWP No. 20007 of 2018

DECIDED ON: AUGUST 13, 2018

GURMUKH SINGH AND ORS

.....PETITIONERS

VERSUS

PEPSU ROAD TRANSPORT CORPORTION (P.R.T.C.)

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioners have sought the issuance of a writ in the nature of mandamus directing the respondents to count qualifying service for the grant of revised pensionary benefits w.e.f date of their joining Corporation instead of the date of contribution to provident fund by extending benefit of law laid down in CWP No. 8285 of 2004, *Ved Parkash vs. State of Punjab and others;* decided on 16.09.2010 (P-2) wherein, LPA No. 207 of 2011, *PRTC vs. Ved Parkash and another;* was dismissed on 03.02.2011 (P-3) while SLP filed by PRTC was dismissed on 12.01.2012 and CWP No. 4453 of 2012, *Gurdial Singh and others vs. P.R.T.C. And another*, 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, *Harmeet Kaur vs. Pepsu Road Transport Corporation, Nabha Road, Patiala*, decided on 23.04.2018 (P-7) as Sub Regulation 6

mentioned in Chapter II 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 would be deemed to have been read down in favour of petitioners along-with arrears and interest on delayed payments @18% per annum.

2. At the very outset learned counsel for the petitioners submits that service of legal notice dated 28.05.2018 (P-6) upon the respondents did not fetch any reply and he feels satisfied in case a direction is issued to respondents to consider and decide the afore-said legal notice (P-6) in a time bound manner.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioners in the legal notice dated 28.05.2018 (P-6) and to take a conscious decision in accordance with law, rules and regulations especially in view of judgments referred in para 1 of this order, within a period of three months from the date of receipt of certified copy of this order.

4. However, in case petitioners still feel aggrieved by any of the order(s) passed by the authorities concerned, they shall be at liberty to have recourse to other remedies available under the law as well as to approach this Court.

AUGUST 13, 2018
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(JASPAL SINGH)
JUDGE

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