

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.119

Civil Writ Petition No.23812 of 2018
DECIDED ON: September 18, 2018

MADHU BALA

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sunny Singla, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought an issuance of a writ especially in the nature of mandamus directing the respondents to count qualifying service for grant of revised pensionary benefits w.e.f. date of her joining the department instead of date of contribution to provident fund and extending benefit of the law laid down in Civil Appeal No.9860 of 1996 captioned as Vasant Gangaramsa Chandan vs. State of Maharashtra reported as 1996(4) SCT 403 (P-2) and CWP no.8285 of 2004 titled as ***Ved Parkash vs. State of Punjab & ors.*** decided on 16.09.2010 (P-3) wherein LPA No.207 of 2011, ***PRTC vs. Ved Parkash & anr.*** was dismissed on 03.02.2011 (P-4) while SLP filed by PRTC was dismissed on 12.01.2012

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and in view of judgment rendered in CWP No.4453 of 2012 captioned as Gurdial Singh & ors. vs. PRTC & anr. decided on 12.03.2012, along with interest on the delayed payment @ 18% p.a.

2. Learned counsel for the petitioner contends that though a legal notice dated 25.07.2018 (P-5) was made to the respondents but till date no conscious decision has been taken by the concerned authorities. He further submits that she feels satisfied in case a direction is issued to the respondent No.2 to decide the above said legal notice (P-5), within some specified period.

3. Instant petition is disposed of with a direction to respondent No.2 - Director Secondary Education, Shiksha Bhawan, Sector 5, Panchkula (Haryana) to look into the grievances unfolded by the petitioner in the legal notice dated 25.07.2018 (P-5) and to take a conscious decision by passing a speaking order as per the judgments referred to above in para no.1 of this order, within a period of three months from the date of receipt of a certified copy of this order.

4. However, in case petitioner still feels aggrieved by any order of the afore-said authorities, she shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

September 18, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**