

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.3866 OF 2017 (O&M)
DECIDED ON: FEBRUARY 26, 2018

CHANDER MOHAN

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ravindra Singh, Advocate,
for the petitioner.

Ms. Sunnit Kaur, AAG, Punjab.

Mr. Vikas Bali, Advocate with
Ms. Shubhpreet Kaur, Advocate,
for respondent No.4.

JASPAL SINGH, J (Oral)

CM-1019-CWP-2018

Allowed as prayed for.

CM-1020-CWP-2018

Application is allowed as prayed for. Order dated 13.12.2017
(Annexure P-15) is taken on record, subject to all just exceptions. Be tagged at
appropriate place.

CM stands disposed of.

Main case

By virtue of instant petition preferred under Article 226/227 of the

Constitution of India, petitioner has sought issuance of a writ especially in the nature of mandamus directing the respondents to count the service earlier rendered by him in Municipal Shivalik College, Naya Nangal prior to the takeover of the said college by the Department of Education, Punjab on 12.05.1997 towards qualifying service for pensionary and retiral benefits and further to make the payment thereof along with interest on delayed payments.

2. At the very outset of the arguments, it has been submitted by Mr. Vikas Bali, Advocate that respondent No.4 is ready to forward the complete papers in respect of the relief sought by the petitioner to respondents particularly, respondent No.2 and for that purpose respondent No.4 required two weeks. Moreover, the Government has already taken a decision vide letter dated 13.12.2017 (Annexure P-15).

3. Thus, in the aforesaid facts and circumstances, instant petition can be disposed of with the direction to respondents to do the needful within some prescribed period.

4. Accordingly, instant petition is disposed of with the direction to respondent No.4 to forward the complete papers in respect of the relief sought by the petitioner through instant petition to respondent No.2 within a period of two weeks from the date of receipt of certified copy of this order and on receipt thereof in the office of respondent No.2, the matter shall be considered in the light of Rules and instructions issued by Government from time to time and take a conscious decision within a period of three months. In case, respondent No.2 comes to the conclusion that petitioner is not entitled to the relief claimed, in that event, to pass a speaking order taking into consideration all the aspects

referred to in the petition, and in such situation, the petitioner shall be at liberty to have recourse to the remedies available under law as well as to approach this Court by way of filing of writ petition.

FEBRUARY 26, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>