

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 30947 of 2018
Date of Decision : 07.12.2018

Harbans Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Suraj Mal Bhatia, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present case, the petitioner has claimed for counting of the past service which he had rendered in the Punjab School Education Board as a Clerk from 05.10.1982 to 08.07.1990.

In fact, the petitioner had made this request to the respondents after he retired from service in the year 2010. A bare perusal of a communication addressed to the petitioner dated 14.08.2018 (Annexure P-8), clearly shows that the department has rejected the case of the petitioner for grant of the said relief, which relief has already been rejected on 18.06.2013.

Learned counsel for the petitioner states that though the case of the petitioner was rejected in the year 2013 but subsequent to the rejection, the department itself had issued Instruction on 13.10.2016 (Annexure P-10), wherein Government of Punjab decided to grant the benefit and after the said Instruction, the petitioner became eligible for counting of the past

service for the grant of pensionary benefits.

Learned counsel for the petitioner states that the petitioner had given a representation dated 12.10.2018 (Annexure P-9) and the petitioner will be satisfied in case the respondents can decide his claim for counting of the past service in view of the Instruction dated 13.10.2016 (Annexure P-10) and pass appropriate orders.

In view of the request made by learned counsel for the petitioner, the present writ petition is disposed of with a direction to the respondents to decide representation dated 12.10.2018 (Annexure P-9) by taking into consideration the Instruction issued by the Government of Punjab dated 13.10.2016 (Annexure P-10) and pass an appropriate order within a period of three months from the date of receipt of certified copy of this order.

In case the petitioner is found entitled for any relief, the same should also be given to him within a period of next three months.

However, it is made clear that this Court expresses no opinion on the merits of the case and the claim made by the petitioner either in the present writ petition or in the representation dated 12.10.2018 (Annexure P-9).

The writ petition stands disposed of accordingly.

December 07, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

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