

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 3721 of 2018

Date of Decision : 14.12.2018

Gurdev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. S.K. Rattan, Advocate for the petitioner.

Mr. Sandeep Vermani, Additional Advocate General, Punjab.

Mr. Vivek Chauhan, Advocate for respondent No. 3.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the claim is for calculation of pensionary benefits on the total service rendered by the petitioner in view of the law laid down of this Court in CWP No. 9125 of 2011, decided on 01.04.2013, wherein these very Rules of the department known as Punjab Samiti and Zila Parishad Employees Pension and Provident Fund Rules 2000 (hereinafter referred to as 'the Rules of 2000') have been interpreted.

Learned counsel for the petitioner states that Rule 2(k), which defines the qualifying service has been interpreted by this Court that the total length of service of an employee is to be counted while calculating the pensionary benefits and the same cannot be restricted only for the period when the contribution was deducted. The only condition laid down is that the employee has to deposit the contribution for the period, which has not

been deposited and thereafter the calculation will be done.

Learned counsel for the petitioner states that for this very purpose, the petitioner had served upon the respondents a legal notice dated 21.12.2017 (Annexure P-5) and the respondents may kindly be directed to decide the same in view of the law laid down by this Court mentioned here-in-before, which squarely covers the case of the petitioner in his favour for counting total service rendered by the petitioner while calculating his pensionary benefits.

Learned counsel for the respondents has no objection with regard to decide the legal notice sent by the petitioner keeping in view the law laid down by this Court mentioned here-in-before.

In view of the above, the respondents are directed to decide the legal notice dated 21.12.2017 (Annexure P-5) served by the petitioner by passing an appropriate speaking order within a period of three months from the date of receipt of certified copy of this order. The respondents shall keep in mind the order passed by this Court mentioned above wherein Rule 2(k) of the Rules of 2000 has been interpreted and the relief was granted to the similarly situated persons.

In case after the decision, the petitioner is found entitled for any benefit including any monetary benefits, the same should also be released to the petitioner within a period of next three months.

The writ petition is disposed of accordingly.

December 14, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

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