

CWP No. 5008 of 2018

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 5008 of 2018

Date of Decision :March 01, 2018

Mahinder Partap Singh

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Sandeep Parkash Chahar, Advocate
for the petitioner.

JASPAL SINGH, J.

By virtue of instant writ petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to count the temporary service period/adhoc service w.e.f. 18.07.1989 to 31.03.1993 followed by regular service for the purpose of grant of retrial benefits along with all other consequential and attended benefits including revision of pension of the petitioner and to pay the arrears of pension and gratuity with interest from the date of retirement i.e 30.04.2010.

2. Undisputably, the petitioner has been retired as driver from the respondent department on 30.04.2010 after attaining the age of superannuation though the pension and pensionary benefits have been released and disbursed to the petitioner but at the same time, the services

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rendered by him on temporary service period/adhoc service w.e.f.18.07.1989 to 31.03.1993 which was followed by regular services has not been counted as qualifying service for pensionary benefits, for claiming that relief, the petitioner approached the respondents ultimately he was constrained to file legal notice dated 05.06.2017(Annexure P-3) through his counsel but despite the fact that a period of 4 month has been expired but till date, no action has been taken on the legal notice. The learned counsel for the petitioner feel satisfied in case a direction is issued to the respondents, particularly, the respondent No.2-The Director General, State Transport, Haryana to consider the case settled by the petitioner in the legal notice and to pass an appropriate order within some specific period.

Thus without expressing any opinion on the merits of the case by taking into consideration above statement of Learned counsel for the petitioner, the instant is disposed of with a direction to respondent No.2 to look into the grievances unfolded in the legal notice dated 05.06.2017 (Annexure P-3) and to take conscious decision in the matter that too by passing a speaking order within a period of three months from the date of receipt copy of this order.

However, if an adverse order is passed by respondents, the petitioner shall at liberty to approach this Court.

Disposed of.

March 01, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No