

**CWP No.6216 of 2018
DECIDED ON: MARCH 14, 2018**

DAYA KISHAN SHARMA AND ORS.

.....PETITIONERS

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Umesh Narang, Advocate
for the petitioners.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to count their probation service followed by regular service rendered by them for the purpose of pension, gratuity and other benefits in the light of settled proposition of law and judgment dated January 05, 2016 (P-8) with further prayer to grant them the benefit of 28 years of qualifying service for the grant of full pension on the basis of last pay drawn by them working in government aided college at par with other similarly situated employees in the light of judgment passed in CWP No. 1982 of 2015, decided on July 13, 2016 (P-11) and to release the benefits of revised pension and gratuity including arrears upto date of revision with interest @12% from the due date till actual realization.

2. At the very outset of arguments, learned counsel for the petitioner has submitted that though a legal notice dated December 01, 2017 (P-12) was served upon the respondents but despite the fact that a period of more than three months has elapsed, no conscious decision has been taken by the authorities. He further submits that he feels satisfied in case a direction is issued to respondents to consider and decide the afore-said legal notice (P-12) within some stipulated period.

3. Accordingly, instant petition is disposed of with a direction to respondents particularly to respondent No.2 to look into the grievances unfolded by the petitioners in the legal notice dated December 01, 2017 (P-12) and to take a conscious decision in accordance with law as well as in view of judgments passed by this Court in CWP No. 8441 of 2015, titled as **Devender Pratap Singh & another vs. State of Haryana and another**; decided on January 05, 2016 (P-8) and CWP No. 1982 of 2015, titled as **Nand Kishore Bansal and others vs. State of Haryana & others**; decided on July 13, 2016 (P-11) and also in view of instructions dated November 28, 2011 (P-6), within a period of four months from the date of receipt of certified copy of this order.

4. However, in case petitioners still feels aggrieved, they shall be at liberty to have recourse to the other remedies available under law including to approach this Court.

MARCH 14, 2018
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(JASPAL SINGH)
JUDGE

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