

**CWP No. 8976 of 2018
DECIDED ON: APRIL 16, 2018**

VEERPAL KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Arvind Chauhan, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to count the daily wage service rendered by her husband prior to his regularization as qualifying service for the purpose of pensionary/retiral benefits, who died in harness on June 11, 2008.

2. Learned counsel for the petitioner submits that the husband of the petitioner was appointed as Special Police Officer on daily wages by following due process of selection. Thereafter, his services were regularized to the post of Constable on February 11, 2005 and as such he is held entitled to the pensionary benefits as per the old GPF scheme, which was applicable to the employees recruited in Punjab Government Service prior to 01.01.2004. Unfortunately, he was taken away by nature on June 11, 2008. He further submits that the case of

the husband of the petitioner is squarely covered under the guidelines laid down by the Division Bench of this Court in the case of **Harbans Lal vs. State of Punjab and others; 2012 (3) SCT 362 (P-2)**. He further submits that petitioner constrained to serve legal notice dated December 12, 2017 (P-11) upon the respondents but despite the fact that a period of more than four months has elapsed, no action has been taken so far. He further submits that he feels satisfied in case a direction is issued to respondent No.2 to consider and decide the afore-said legal notice (P-11) within some stipulated period

3. In the light of afore-said facts and circumstances but without expressing any opinion on the merits of the case, the instant petition is disposed of with a direction to respondent No.2 to look into the grievances unfolded by the petitioner in her legal notice dated December 12, 2017 (P-11) and to take a conscious decision in accordance with law, rules and regulations and also in view of judgment referred in para 2 of this order, within a period of four months from the date of receipt of certified copy of this order.

4. In case the petitioner still feels aggrieved, she shall be at liberty to have recourse to the other remedies available to her under law including to approach this Court.

APRIL 16, 2018
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(JASPAL SINGH)
JUDGE

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