

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

(124)

CWP-435-2019

Date of Decision: January 11, 2019

J.J. Singh

.. Petitioner

Versus

Haryana State Agricultural Marketing Board

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Satyaveer Singh, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

The present writ petition has been filed by the petitioner with a prayer that his past service rendered by him in HSMITC from 12.08.1978 till 30.05.1998 and thereafter in Haryana State Agriculture Marketing Board from 01.06.1998 till 30.09.2012, should be counted as a qualifying service for the grant of pensionary benefits.

Learned counsel for the petitioner contends that though the relief claimed was initially rejected by the respondents on 03.03.2014 but subsequently, this Court decided CWP No.10017 of 2014 on 14.01.2016 wherein, the relief was granted to the similarly situated persons by giving directions to the respondents to count the service rendered in HSMITC as qualifying service for pension. Even the LPA No.1805 of 2016 filed against the said judgment, was dismissed on 05.10.2016 and the relief has been granted to the similarly situated employees.

Learned counsel for the petitioner states that after the judgment, the petitioner filed a representation on 18.02.2018 (Annexure P-11) with the respondent, which has not been decided by the respondent so far. Counsel

for the petitioner further states that in view of the subsequent order passed by this Court and the fact that the relief has been granted to the similarly situated persons, the rejection of his case by the respondents on 03.03.2014 needs to be reconsidered.

Learned counsel for the petitioner further states that the petitioner will be satisfied, at this stage, if a direction is given to the respondents to decide his representation dated 18.02.2018 (Annexure P-11) afresh in a time bound manner without relying upon the earlier rejection dated 03.03.2014.

Keeping in view the request made, this petition is disposed of with a direction to the respondents to decide the representation dated 18.02.2018 (Annexure P-11) in view of the subsequent proceedings especially order passed by this Court mentioned above wherein, the relief has been granted to the similarly situated employees. The representation shall not be rejected on the ground that the similar relief was declined to the petitioner on 03.03.2014. Let appropriate order be passed by the respondents within a period of three months from the receipt of copy of this order.

In case, it is found that the petitioner is entitled to any monetary benefits after the decision of the representation, the same should also be paid to him as per law within a period of two months thereafter.

January 11, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No