

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6099-2019

Date of decision: - 07.03.2019

Nonihal Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R.N. Lohan, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that service which he rendered from 08.10.1987 till 07.12.1988 has not been considered while computing his pensionary benefits after he retired from service on 31.10.2013.

Counsel for the petitioner states that the petitioner was initially appointed on 08.10.1987 and he continued working as such till 30.06.1988 when the services of the petitioner were discontinued. He was again appointed on the same post on 05.12.1988. Petitioner had challenged the discontinuation of his services by filing a civil suit and the said civil suit was decreed by the Competent Court of Law on 19.02.1991 and the order of discontinuation of service of the petitioner was held to be bad and was set aside.

Counsel for the petitioner further states that in view of the said fact, the petitioner is deemed to have continued in service from 08.10.1987 without any break and therefore, the service which the petitioner rendered from 08.10.1987 to 07.12.1988 is to be treated as a qualifying service for computing the pensionary benefits, which benefit has not been extended to the petitioner in the present case.

Counsel for the petitioner further states that for the relief which has been sought in the present writ petition, the petitioner has served the respondents with a legal notice on 01.02.2019 (Annexure P-5), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 01.02.2019 (Annexure P-5) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next three months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)

JUDGE

March 07, 2019

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Whether reasoned/speaking?

Yes

Whether reportable?

No