

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

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**CWP No. 7402 of 2019
Date of Decision: 18.3.2019**

Parveen Chander Kaura

.....Petitioner

v.

Union of India and others

.....Respondents

CORAM HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Himanshu Jain, Advocate, for the petitioner

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner is stated to have superannuated w.e.f. 31.7.2016 while holding post of Senior Telephone Operator-cum-Assistant under the Bharat Sanchar Nigam Limited (BSNL).

A writ of mandamus is sought for directing the official respondents to take a final decision on the representation dated 5.12.2018 (Annexure P-3).

Even though an innocuous prayer for deciding a representation is made yet this Court is of the considered view that the same does not deserve acceptance.

During the course of arguments it stands conceded that the petitioner while in service had been imposed a penalty of "break in service". Concededly such order was never put to challenge by the petitioner during the course of employment.

The document placed on record at Annexure P-2 would reveal that post retirement even such period of dies-non with 'break in service' was condoned vide order dated 29.7.2017.

This Court would have no hesitation in observing that the condonation of the period of 'break in service' was done only to ensure that the petitioner possesses the necessary qualifying service for grant of pensionary benefits.

Grievance now being raised is to conduct an enquiry in the matter as to why the order dated 30.1.2012 had been passed in the first instance as regards dies-non-break in service.

In the considered view of this Court such grievance is wholly misconceived. Petitioner never agitated the matter in terms of filing an appeal etc. against the order dated 30.1.2012 and now post-retirement being in receipt of his pensionary benefits is raising a claim for an enquiry to be conducted.

No intervention in the matter is called for.

Dismissed.

(Tejinder Singh Dhindsa)
Judge

18.3.2019

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No