

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 7885 of 2019

Date of Decision : 25.03.2019

Pal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Sharwan Sehgal, 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 the service which he rendered prior to his date of regularization, has not been counted as a qualifying service for the grant of pensionary benefits.

As per the averments made in the writ petition, the petitioner initially joined in the year 1982 but his services were termination in November, 1983. By an Award dated 19.07.1996, the petitioner was reinstated in service with continuity of service at full back wages. Thereafter the petitioner was allowed to join on 10.11.1997 and service of the petitioner was regularized in the year 2009. Ultimately, the petitioner retired from service on 31.10.2017.

Learned counsel for the petitioner states that service which the petitioner had rendered on ad-hoc basis, has not been taken into account

while computing the pensionary benefits, which is contrary to the law laid down by the Full Bench of this Court in ***Kesar Chand Vs. State of Punjab, 1988(2) PLR 223***. Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, the petitioner has served the respondents with a legal notice dated 27.08.2018 (Annexure P-3) and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice by passing a speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the relief claimed in the present writ petition or in the legal notice, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioner in the legal notice dated 27.08.2018 (Annexure P-3) within a period of three months from the date of receipt of certified copy of this order.

In case after the order, it is found by the respondents that the petitioner is entitled for any monetary benefits, the same should also be released to him within a period of next three months.

The writ petition stands disposed of.

March 25, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No