

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

(135)

CWP-8169-2019

Date of Decision: March 27, 2019

Amarjit

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Manveen Kahlon, Advocate, for
Mr. Karambir Singh Kahlon, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance of the petitioner is that the petitioner was initially appointed on part time basis on 01.10.1993. He continued working as such till his services were regularized by the respondents on 06.02.2015. After the regularization of the services, the petitioner retired on 31.03.2015.

Learned counsel for the petitioner states that after the retirement, no pensionary benefits has been extended to the petitioner on the ground that the petitioner does not have 10 years service after regularization and further that there was no pension scheme available on the day when services of the petitioner regularized.

Learned counsel for the petitioner states that in view of law laid down by this Court in **CWP No.2371 of 2010 titled as Harbans Lal Vs. State of Punjab and others, decided on 31.08.2010**, an employee who was already in service on 01.01.2004 though his services were regularized after the said date, will be covered by the old pension scheme and therefore in view of the said judgment, the petitioner is entitled for the grant of pension.

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 01.02.2019 (Annexure P-4), 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 legal notice dated 01.02.2019 (Annexure P-4) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 01.02.2019 (Annexure P-4), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 01.02.2019 (Annexure P-4) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision on the legal notice, the same should also be paid to him within three months thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

March 27, 2019
harsha

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