

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 10375 of 2019
Date of Decision : 29.04.2019

Smt. Veena Bansal

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Ishwar Lal, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance of the petitioner is that though she retired on 31.10.2014 and was continuously working since 09.07.1985, her full service has not been taken into account while calculating the pensionary benefits for which she is entitled for. Petitioner has only been given the benefit of service from 01.07.1987 onwards on the ground that the contributory provident fund was deducted from the said date and, therefore, only the said service i.e. after 01.07.1987 is liable to be taken into account and not the earlier service.

Learned counsel for the petitioner argues that an employee is entitled for the benefits of the total service rendered by him/her and in case the contributory provident fund was not deducted during the probation period, it was the duty of the respondents themselves to deduct the same and the non-action on the part of the respondents cannot cause prejudice to the

claim of the petitioner for computing the pensionary benefits on the total length of service starting from 09.07.1985 onwards till the date of her retirement.

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 11.02.2019 (Annexure P-8) 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 11.02.2019 (Annexure P-8) 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 her within a period of next three months.

The writ petition stands disposed of.

April 29, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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