

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

(137)

CWP-10356-2019

Date of Decision: April 22, 2019

Ashok Kumar and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harish Sharma, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioners contends that the petitioners alongwith others had filed CWP No.18610 of 2010 seeking direction to the respondents to accept their option for the grant of pension after their retirement. In order to support their prayer, reliance was placed by them on an order passed by this Court in **CWP No.18381 of 2003 titled as Davinder Singh and others Vs. State of Punjab and another, decided on 19.04.2010.**

The said writ petition filed by the petitioners being CWP No.18610 of 2010 was disposed of by this Court vide order dated 13.10.2010 directing the respondents to decide the claim of the petitioners in view of the order passed by this Court in **CWP No.18381 of 2003 titled as Davinder Singh and others Vs. State of Punjab and another, decided on 19.04.2010.**

Keeping in view the directions given by this Court, the Commissioner, Municipal Corporation, Ludhiana passed an order on 28.02.2011 declining their claim for the grant of the benefit but stating that in case the judgment of the Single Bench in **Davinder Singh's case (supra)** is upheld by the Hon'ble Supreme Court of India, the case of the

petitioners will be reconsidered/re-examined afresh.

Learned counsel for the petitioners states that the LPA filed by the Municipal Corporation, Ludhiana against the order passed by the Single Bench in **Davinder Singh's case (supra)**, was dismissed by the Division Bench on 21.05.2014 and thereafter, even the Special Leave Petition filed by the Municipal Corporation, Ludhiana was dismissed on 25.10.2017 by the Hon'ble Supreme Court of India and therefore, in view of the order passed by the Commissioner, Municipal Corporation, Ludhiana dated 28.02.2011, the Corporation was under obligation to reconsider the case of the petitioners for the grant of benefits allowing the petitioners to exercise their option to opt for the pensionary benefits.

Learned counsel for the petitioners states that in this regard, a legal notice was given by the petitioners on 18.07.2018 (Annexure P-12), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice dated 18.07.2018 (Annexure P-12) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the legal notice dated 18.07.2018 (Annexure P-12), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 18.07.2018 (Annexure P-12) within a period of three months from the receipt of certified copy of this order.

(HARSIMRAN SINGH SETHI)
JUDGE

April 22, 2019
harsha

Whether speaking/reasoned: Yes
Whether reportable: No