

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

(133)

CWP-10779-2019

Date of Decision: April 25, 2019

Bahar Ali

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that though the petitioner had served the respondents from 30.08.1974 till 30.06.2012 i.e. for 37 years and 10 months but the petitioner has only been given the benefit of service for 18 years and 9 months while computing the pensionary benefits. The total length of service has not been taken into account as a qualifying service for the reason that for the period for which, the contributory provident fund was not deducted, has not been taken into account as a qualifying service in view of the Rules governing the service.

The contention of the petitioner is that the benefit of total length of service for computing the pensionary benefits has been given to the similarly situated employees by this Court while deciding **CWP No.4378 of 2006 titled as Sita Devi Vs. State of Punjab, 2016 (1) SCT 69.**

From the averments made in the writ petition, it transpires that for the relief, which has been claimed in the present writ petition, the

petitioner has served upon the respondents with a legal notice dated 01.03.2019 (Annexure P-3) and as per the averments made in the writ petition, the said legal notice is still pending consideration with the respondents.

Interest of justice will be served, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice 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 01.03.2019 (Annexure P-3), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 01.03.2019 (Annexure P-3) 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 of the legal notice, the same should also be paid to him within three months thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

April 25, 2019
harsha

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