

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14049-2019

Date of decision: - 25.07.2019

Bhajan Singh and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Simmy, Advocate
for Ms. Alka Chatrath, Advocate
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance, which is being raised by the petitioners is that they were holding the higher post on current duty charge on the date when they attained the age of superannuation, hence, keeping in view the judgment of this Court in CWP No.17358 of 2015 titled as 'Jagjit Singh and others Vs. State of Punjab and others', decided on 09.09.2016 (Annexure P-2), petitioners are held entitled for fixation of their pensionary benefits on the pay which they were drawing though on current duty charge. Counsel further states that LPA filed by the State of Punjab against the said judgment being LPA No.37 of 2017 titled as 'State of Punjab Vs. Jagjit Singh and others', has been disposed of on 25.09.2018 and keeping in view the

direction given by the Division Bench, petitioners are also entitled for the relief, as detailed in paragraph 4 of the order passed by the Division Bench.

Counsel for the petitioners states that for the relief, which has been sought in the present writ petition, petitioners have served the respondents with a legal notice dated 02.02.2019 (Annexure P-4), 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 said legal notice.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioners, the respondents are directed to decide the legal notice dated 02.02.2019 (Annexure P-4) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioners are entitled for any monetary benefit, the same shall also be released to them within a period of next three months.

Present writ petition stands disposed of.

July 25, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No