

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

(123)

CWP-14539-2019

Date of Decision: May 28, 2019

Charan Dass and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Rattan, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance of the petitioners is that their total length of service has not been taken into account as a qualifying service for the grant of pensionary benefits only on the ground that the share of their CPF was not deducted by the respondents from the date of their initial appointment but the deduction started after some time of their appointments.

Learned counsel for the petitioners argues that the benefit of the total service has not been given to them on the ground that Rule 2 (k) of the Punjab Panchayat Samitis Zila Parishad Employee Pension and Provident Fund Rules, 2000, only authorizes to count the service as a qualifying service for which the contributory provident fund has been deducted.

Learned counsel for the petitioners states that the said Rule has been interpreted more than once and has been interpreted recently in **CWP No.21268 of 2015 titled as Sukhdev Singh and others vs. State of Punjab, decided on 10.12.2018**, wherein a direction was given to count the total

length of service as a qualifying service subject to the conditions mentioned therein.

Learned counsel for the petitioners states that for the relief which has been claimed in the present writ petition, the petitioners have served the respondents with a legal notice dated 21.04.2019 (Annexure P-6) and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the same 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 21.04.2019 (Annexure P-6), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 21.04.2019 (Annexure P-6) within a period of three months from the receipt of certified copy of this order.

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

May 28, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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