

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

(115)

CWP-14746-2019

Date of Decision: May 29, 2019

Bhupinder Singh

.. Petitioner

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikas Chatrath, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner argues that the petitioner had served in an aided school from 09.05.1972 till 09.09.1974 after which the petitioner joined in a Government school on 09.09.1974. Petitioner ultimately retired on 30.06.2006 on attaining the age of superannuation.

Present writ petition has been filed after a period of approximately 13 years of his retirement claiming that his pensionary benefits have been wrongly calculated by the respondents and the service rendered by the petitioner in an aided school has not been counted as a qualifying service, which is contrary to the settled principle of law settled by this Court while deciding CWP No.14328 of 1991 titled as Sukhdev Singh and others vs. State of Punjab and others, decided on 10.03.2010.

Counsel for the petitioner has not been able to explain as to why the petitioner has approached this Court seeking this relief after a period of 13 years of his 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 20.04.2019 (Annexure P-7) and the petitioner 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 petitioner for the relief which has been claimed by him in the legal notice dated 20.04.2019 (Annexure P-7), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 20.04.2019 (Annexure P-7) 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.

It is made clear that in case, the petitioner is found entitled for the relief as being claimed by him and the pensionary benefits of the petitioner needs to be revised, petitioner will only be entitled for the arrears from the date of the issuance of the legal notice i.e. 20.04.2019 only.

(HARSIMRAN SINGH SETHI)
JUDGE

May 29, 2019
harsha

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