

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-10703-2014

Date of decision: - 25.03.2019

Satish Kumar

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rajiv Sharma, Advocate
for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana
for respondents No.1 to 3.

None for respondents No.4 and 5.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner states that the petitioner had worked with respondent No.4 i.e. DAV Senior Secondary School, Khandsa Road, Gurgaon, from 01.10.1996 till 31.10.2000 and thereafter, he is working continuously with respondent No.5-Government Senior Secondary School, Wazirabad, District Gurgaon.

Counsel for the petitioner further states that the service which the petitioner rendered with respondent No.4-DAV Senior Secondary School, Khandsa Road, Gurgaon from 01.10.1996 till 31.10.2000 should be treated as a qualifying service for the grant of the

pensionary benefits.

Upon notice of motion, the reply has been filed on behalf of respondents No.1 to 3.

In the reply, respondents No.1 to 3 have stated that though the petition has been filed for treating the period for the service rendered by the petitioner in D.A.V. from 01.10.1996 till 31.10.2000 as a qualifying service, but the petitioner is to retire from service in the year 2031 and the present writ petition is premature.

Faced with the situation, counsel for the petitioner states that the petitioner has already spent four years before this Court as the present writ petition was filed in the year 2014.

Counsel for the petitioner states that petitioner will be satisfied, at this stage, in case the respondents pass the appropriate orders in respect of the period spent by the petitioner with respondent No.4- DAV Senior Secondary School, Khandsa Road, Gurgaon from 01.10.1996 to 31.10.2000 as to whether same, will be treated as a qualifying service at the time of retirement of the petitioner or not. Counsel for the petitioner further states that no decision is coming forward from the respondents on this aspect.

Counsel for respondents No.1 to 3 states that the legal notice dated 07.03.2014 (Annexure P-6), which the petitioner has served upon the respondents will be decided by the department by passing an appropriate speaking order in respect of the claim, as being made by the petitioner in the present writ petition, within a period of three months, from the date of receipt of certified copy of this order.

Keeping in view the statement given by counsel for respondents No.1 to 3, counsel for the petitioner states that he does not want to press the writ petition at this stage and the same may be disposed of, as not pressed.

Disposed of, as not pressed in view the above mentioned facts.

(HARSIMRAN SINGH SETHI)
JUDGE

March 25, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	No