

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18658 of 2019
Date of Decision: 12.07.2019

Longa Devi

... Petitioner

VS.

Municipal Corporation, Chandigarh & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Barjesh Mittal, Advocate for the petitioner

G.S. SANDHAWALIA, J. (Oral)

The petitioner prays for a writ in the nature of mandamus directing the respondents to consider his case for grant of pension and other consequential retiral benefits in terms of Chandigarh Administration policy dated 13.03.2015 (P3) as well as judgment dated 03.04.2009 (P1) and order dated 01.07.2014 passed by the Supreme Court in SLP (C) No.7741 of 2014 (colly with P2) along with consequential benefits with interest @ 18%.

The petitioner had joined on 01.09.1979 (P4) as Beldar in the Panchayat Samiti UT Chandigarh and retired on 31.03.2013 (P5). In view of the judgment of the Apex Court in **Civil Appeal No.6779 of 2009 UT Chandigarh vs. Sampat & Ors.** decided on 03.04.2014 (P1) recommendations dated 13.03.2015 (P3) was made for regularisation of services and grant of pension to persons who had been working prior to 1992 and they were to be given the benefit of CPWD Manual. The same was approved by the Administrator, Chandigarh and resultantly communication dated 13.03.2015 was issued that the benefit of the same was to be given to the persons working in the Municipal Corporation and it as such also to be extended to them.

Similarly, the benefit was also to be extended to the daily wage workers Group C & D of the Panchayat Samiti UT Chandigarh in view of communication dated 14.02.2017 (P9). It is submitted that the representation dated 15.11.2017 (P11) was served and thereafter legal notice dated 23.05.2019 (P12) has also been served but of no avail. It is further pointed out that in similar circumstances benefits have been granted to persons working in the Public Health Division and who had been transferred to the Municipal Corporation, Chandigarh (P10). Counsel for the petitioner states that he would be satisfied if decision is taken on the legal notice within a fixed time frame.

Notice of motion. Mr. JS Lalli, Advocate accepts notice on behalf of the Chandigarh Administration.

In view of the above factual matrix, it would not be useful to call upon the respondents to file reply. Accordingly, since the decision making process is still incomplete, a direction is issued to respondent No.2 to take decision on the above-said representation (P11) and legal notice (P12) within two months from the date of receipt of certified copy of this order. In case the petitioner is covered by the said policy that benefit be granted and disbursed immediately. In case any adverse order is to be passed then a speaking order be passed and conveyed to the petitioner within the above time frame.

The writ petition stands disposed of accordingly.

12.07.2019

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(G.S. Sandhawalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No