

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

**CM-3469-CWP-2019 in/and
CWP-21159-2017
Date of Decision : 07.03.2019**

Kewal Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Kanika Toor, Advocate for
Mr. Ranjivan Singh, Advocate for the petitioners.

Harsimran Singh Sethi, J.(Oral)

CM-3469-CWP-2019

The present application has been moved to dispose of CWP No. 21159 of 2017 in terms of the decision of Division Bench in LPA No. 37 of 2017, decided on 25.09.2018.

The case came up for hearing before this Court on 18.09.2017, on which date, the same was adjourned sine-die to await the decision of LPA No. 37 of 2017, which was filed by the respondents-State challenging the judgment of the learned Single Judge dated 09.09.2016 passed in CWP No. 17358 of 2015.

In view of the above, the application is allowed and CWP No. 21159 of 2017 is taken up on Board today itself for hearing.

CWP No. 21159 of 2017

In the present writ petition, the grievance which is being raised by the petitioners is that their pensionary benefits should be recalculated on the basis of the pay drawn by them on the date of their superannuation on the post on which they were performing duties in view of the law laid down

by this Court in CWP No. 17358 of 2015 titled *Jagjit Singh and others Vs. State of Punjab and others*, decided on 09.09.2016.

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 06.06.2017 (Annexure P-13) and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice by passing a speaking order keeping in view the order passed by the Division Bench of this Court in LPA No. 37 of 2017 decided on 25.09.2018.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioners in respect of the relief claimed in the present writ petition or in the legal notice, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioners in the legal notice dated 06.06.2017 (Annexure P-13) within a period of three months from the date of receipt of certified copy of this order.

While deciding the legal notice, the order passed by the Division Bench of this Court in LPA No. 37 of 2017 decided on 25.09.2018 be kept in mind.

In case after the order, it is found by the respondents that the petitioners are entitled for any monetary benefits, the same should also be released to them within a period of next three months.

The writ petition stands disposed of.

March 07, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes
Whether reportable? No