

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

(121)

CWP-21835-2019

Date of Decision: August 20, 2019

Raj Kumar Rishi

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Madhav Pokhrel, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that petitioner is entitled for counting of the service which he had rendered from 22.08.1977 till November, 1987 on the post of Clerk in the S.D. College, Barnala as a qualifying service while computing the pensionary benefits of the petitioner and a direction needs to be issued to respondents in this regard.

Learned counsel for the petitioner argues that petitioner initially worked as a Clerk in S.D. College, Barnala against the grant in aid post from 22.08.1977 till November, 1987 and thereafter, he was selected and appointed as Science Master in the Department of School Education, Punjab on regular basis, from which post petitioner ultimately retired on 30.04.2010. Petitioner is raising a grievance that the service which he had rendered in S.D. College, Barnala as a Clerk from 22.08.1977 till November, 1987 has not been counted as a qualifying service for the grant of pensionary benefits, which is contrary to the law laid down by this Court in **CWP No.14238 of 1991 titled as Sukhdev Singh and others Vs. State of Punjab and others, decided on 10.03.2010.**

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 06.05.2019 (Annexure P-4) and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice 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 06.05.2019 (Annexure P-4), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 06.05.2019 (Annexure P-4) within a period of three months from the receipt of copy of this order.

It is made clear that in case the petitioner is found entitled for any relief as being claimed in the present writ petition and the consequence of the relief, for re-fixation of the salary and the pensionary benefits of the petitioner, he will not be entitled for any arrears till the filing of the present writ petition.

(HARSIMRAN SINGH SETHI)
JUDGE

August 20, 2019
harsha

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