

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22987 of 2019

Date of decision: - 28.08.2019

Balwan Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. S.K. Malik, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the grievance of the petitioner is that the service, which the petitioner had rendered with the HSMITC from August, 1978 till February, 1982, has not been taken into consideration as a qualifying service for the grant of the pensionary benefits. The petitioner superannuated from the Department of Public Health Engineering, Haryana, in which department, petitioner was absorbed after rendering service from 1978 till 1982, on attaining the age of superannuation on 30.04.2011.

Learned counsel for the petitioner argues that the petitioner had joined the Department of Public Health Engineering, Haryana with due process of law after taking approval from the competent authority of the HSMITC and, therefore, the service which the petitioner had rendered with the HSMITC from August, 1978 till February, 1982 is liable to be taken into account as a qualifying service for computing the pensionary benefits.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served respondents with a legal notice on 25.04.2019 (Annexure P-3), which is still pending consideration with the respondents 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.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 25.04.2019 (Annexure P-3) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case, petitioner is found entitled for any benefit, the arrears will be restricted from the date of filing of the legal notice dated 25.04.2019 (Annexure P-3) as the petitioner did not raise any claim for a period of 8 years after his retirement.

Writ petition stands disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

August 28, 2019
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Whether reasoned/speaking? *Yes*
Whether reportable? *No*