

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

CWP-25970-2019

Date of decision: - 16.09.2019

Gian Ram

....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Vijay Rana, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

The grievance of the petitioner is that the service, which he had rendered in Privately Managed Aided School, has not been taken into account as a qualifying service for the grant of pensionary benefits and further, the said service has also not been taken into account for the grant of ACP.

Counsel for the petitioner argues that initially the petitioner was appointed in the A.S. High School Alawalpur, District Jalandhar on 07.08.1972 and he worked there upto 24.08.1975 and thereafter, he was appointed in a Government School as JBT Teacher on 25.08.1975 and continuing working till he superannuated on 31.05.2005.

Counsel for the petitioner argues that the service, which the petitioner had rendered with A.S. High School Alawalpur, District

Jalandhar, has not been counted as a qualifying service for computing the pensionary benefits as well as for the grant of ACP. Counsel prays that a direction be issued to the respondents to revise the pay and pension of the petitioner after giving the benefit of the service which he rendered in A.S. High School Alawalpur, District Jalandhar from 07.08.1972 till 24.08.1975.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served the respondents with a legal notice dated 08.01.2019 (Annexure P-6), 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.

Counsel for the petitioner has not been able to justify as to why once the petitioner had retired in the year 2005, the legal notice was served after more than 14 years of retirement. No justification has been rendered for the delay of 14 years in approaching this Court claiming the benefit, as claimed in the present writ petition.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 08.01.2019 (Annexure P-6) 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 after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of three months thereafter.

However, it is made clear that in case it is found that the petitioner is entitled for any benefit, the arrears shall will be restricted only from the date of serving the legal notice i.e. 08.01.2019.

Present writ petition stands disposed of.

September 16, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No