

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

(122)

CWP-26170-2019

Date of Decision: September 17, 2019

Tilak Raj

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Baljeet Singh Sidhu, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance of the petitioner is that he has not been granted the pensionary benefits in respect of the service, which he had rendered continuously from 10.02.1994 till the date he superannuated on 30.04.2017 despite the fact that petitioner had more than 10 years of service to his credit, which entitles him for the grant of pensionary benefits.

Learned counsel for the petitioner argues that petitioner was initially appointed on daily wage basis on 10.02.1994 and his services were regularized on 01.05.2006. With effect from 01.01.2004, New Pension Scheme had come into operation and the case of the petitioner is being considered under the New Pension Scheme to deny him the pension, whereas, as per the settled principle of law settled by the Division Bench of this Court in *Harbans Lal Vs. State of Punjab and others, CWP No. 2371 of 2010, decided on 31.08.2010*, which judgment has already attained finality upto the Hon'ble Supreme Court of India, an employee who was in service on 01.01.2004, though his service might have been regularized after the said date, will be entitled for the pension under the Old Pension Scheme.

Learned counsel for the petitioner prays that a direction be issued to the respondents to grant the petitioner pensionary benefits including pension under the Old Pension Scheme as per the judgment of the Division Bench of this Court in **Harbans Lal's case (supra)**.

Learned counsel for the petitioner further states that for the relief, which has been claimed in the present writ petition, petitioner has served respondents with a legal notice dated 30.08.2018 (Annexure P-8), 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 30.08.2018 (Annexure P-8) 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 next three months.

Writ petition stands disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

September 17, 2019
harsha

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