

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

(131)

CWP-26242-2019

Date of Decision: September 17, 2019

Mahinder Kaur

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. G.P. Vashisht, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner argues that the petitioner retired from service on attaining the age of superannuation on 30.04.2017 but after retirement, the claim of the petitioner for the release of the pensionary benefits was not considered by the respondents on the ground that as the service of the petitioner was regularized in the year 2012, petitioner is not entitled for pension under the old pension scheme.

Learned counsel for the petitioner argues that the petitioner has served the respondents with a legal notice bringing to their notice the judgment of this Court in **CWP No. 2371 of 2010, titled 'Harbans Lal Vs. State of Punjab and others', decided on 31.08.2010** wherein, this Court has already held that employees, who were in service as on 01.01.2004 though, their services might have been regularized after the said date, are entitled for pension under the old pension scheme. Thereafter, some of the benefits of the petitioner have been released by the respondents but all the benefits for which the petitioner is entitled for in respect of the service rendered, have not been released so far.

Learned counsel for the petitioner prays that a direction be issued to the respondents to release all the pensionary benefits of the petitioner forthwith.

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 29.06.2019 (Annexure P-7) 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 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 her in the legal notice dated 29.06.2019 (Annexure P-7), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 29.06.2019 (Annexure P-7), within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to her within three months thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

September 17, 2019
harsha

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