

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(116)

CWP No. 34776 of 2019

Date of Decision : 29.11.2019

Babbo Kaur

....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sunny Singla, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner states that petitioner was appointed on part time basis on 02.05.1991 and her services were regularized on 25.11.2012 and she retired on 31.12.2018 after availing two years extension. Learned counsel for the petitioner argues that no benefit of pension has been extended to the petitioner on two accounts i.e. the petitioner had only four years of service after the benefit of regularization of services was extended to her and her part time service cannot be taken into account as a qualifying service for the grant of pensionary benefits, which is contrary to Rules governing the service as well as the settled principle of law.

It has been further contended by the counsel appearing on behalf of the petitioner that as services of the petitioner were regularized in the year 2012, respondents are considering her under the Contributory Pension Scheme, which is applicable w.e.f. 01.01.2004, whereas, as per the settled principle of law settled by the Division Bench of this Court in ***CWP No. 2371 of 2010***, titled as '***Harbans Lal Vs. State of Punjab and others***', decided on 31.08.2010, an employee, who was in service as on 01.01.2004 though his/her

services might have been regularized after 01.01.2004, will be entitled to be considered for the grant of pensionary benefits under the Old Pension Scheme.

The prayer of the petitioner in the present writ petition is for issuance of a direction to the respondents to grant the petitioner the benefit of part time service rendered from 02.05.1991 till 24.11.2012 as a qualifying service and further she be treated for the grant of pensionary benefits under the Old Pension Scheme.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 11.05.2019 (Annexure P-5), 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 11.05.2019 (Annexure P-5) 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 her within a period of next three months.

Writ petition stands disposed of accordingly.

November 29, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*