

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 42833 of 2018
Date of Decision : 07.01.2019

Prem Lal and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harish Sharma, Advocate for the petitioners.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the petitioners have approached this Court claiming that they were entitled to be considered for the grant of pension in view of the judgment passed in CWP No. 18381 of 2003 titled ***Davinder Singh and others Vs. State of Punjab and another***, decided on 19.04.2010.

For this benefit, the petitioners had filed CWP No. 17410 of 2010, which was disposed of by this Court on 27.09.2010 by giving direction to the respondents to decide the claim of the petitioners in view of the law laid down in ***Davinder Singh and others' case (supra)***.

As per the averments made in the petition, the petitioners have attached an order dated 28.02.2011 (Annexure P-10) which was passed by the respondents in pursuance to the direction given by this Court on 27.09.2010, wherein, it was mentioned that the judgment in ***Davinder Singh and others' case (supra)***, was stayed by the Division Bench and it is only in case the said judgment attains finality, the case of the petitioners will be re-examined.

Learned counsel for the petitioners states that the LPA filed challenging the judgment of the learned Single Judge in ***Davinder Singh and others' case (supra)***, was dismissed on 21.05.2014 and thereafter even the SLP was dismissed on 25.10.2017 and therefore, as per the order passed by the respondents themselves dated 28.02.2011, they were required to consider the case of the petitioners for the grant of pension.

Learned counsel for the petitioners states that as nothing was being done, the petitioners served a legal notice upon the respondents on 18.07.2018 (Annexure P-13) and the petitioners will be satisfied in case a time bound direction is given to the respondents to decide the legal notice by passing a speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioners in respect of the claim prayed in the present writ petition or in the legal notice, the present writ petition is disposed of with a direction to the respondents to pass appropriate speaking order on the claim raised by the petitioners in the legal notice dated 18.07.2018 (Annexure P-13) within a period of three months from the date of receipt of certified copy of this order.

However, it is made clear that this Court expresses no opinion on the merits of the case and the claim made by the petitioners either in the present writ petition or in the legal notice.

The writ petition stands disposed of.

January 07, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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