

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

**CWP No.35607 of 2019 (O&M)
Date of decision : December 09, 2019**

Bhagwati

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ketan Antil, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner contends that part time service, which the petitioner has rendered from 01.09.1987 to 30.04.2012, has not been taken into account as qualifying service for computing the pensionary benefits of the petitioner.

Learned counsel for the petitioner argues that petitioner has retired from service on attaining the age of superannuation on 31.03.2014, on which date the petitioner was working on regular basis but the services which the petitioner had rendered on part time basis from 01.07.1985 till 01.05.2012 has not been taken into account as qualifying service for computing the pensionary benefits which act of the respondent is contrary to the settled principle of law settled by this Court in CWP No.626 of 2015 titled as *“Zile Singh vs State of Haryana and others”*, decided on 17.03.2015.

Learned counsel for the petitioner further argues that this Court has already held that a part time service, which an employee has rendered continuously for decades, shall be taken into account as qualifying service

for computing the pensionary benefits. Prayer for the petitioner is for issuance of direction to the respondent-department to grant the petitioner the benefits of part time service, which she has rendered from 01.09.1987 till 30.04.2012, while computing the pensionary benefit of the petitioner.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has submitted a representation dated 22.08.2019 (Annexure P-4) to the respondents, 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 representation by passing an appropriate speaking order in accordance with law.

In view of the above, without expressing any opinion on merits of the case or the claim raised by the petitioner in representation dated 22.08.2019 (Annexure P-4), the respondents are directed to decide the representation dated 22.08.2019 (Annexure P-4) 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.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 09, 2019

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No