

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

CWP-35731 of 2019

Date of decision: 09.12.2019

Madhusudan Lal and others

.... Petitioners

versus

State of Punjab and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amandeep Singh Saini, Advocate
for the petitioners.

HARSIMRAN SINGH SETHI, J.

Learned counsel for the petitioners submits that before the petitioners were selected in the education department of Government of Punjab, they were working in an Government aided schools against duly sanctioned aided posts. Learned counsel for the petitioners states that the period, for which petitioners worked in an aided institution before their appointment in the education department of Government of Punjab, has not been taken as qualifying service for computing the pensionary benefits.

Learned counsel for the petitioners argues that keeping in view the order passed by this Court in CWP-4629 of 2012 decided on 19.2.2018, the service rendered by an employee in a Government aided institution prior to the appointment in Government department, is liable to be taken as qualifying service for computing pensionary benefits. Prayer of the petitioner is to issue direction to the respondent No.2 to grant the benefit of service, which the petitioners have rendered in a Government aided school before their regular appointment in a Government department.

It is a matter of fact that petitioners retired between 2000-2004 and the present writ petition has been filed in the year 2019. No valid justification has come, as to why, the petitioners have waited so long before raising the present grievance. Learned counsel for the petitioners is unable to explain the delay in approaching this Court and prays that for the relief, which is being claimed in the present writ petition, the petitioners have served the respondents with legal notice dated 15.07.2019 (Annexure P/4), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to the respondent No.2 to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioners, the respondent No.2. is directed to decide the legal notice dated 15.07.2019 (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 petitioners are found entitled for the relief as being claimed in the present writ petition, the arrears will only be restricted for three years and two months from the date of legal notice.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

09.12.2019
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |