

CM-2175-CWP-2019 in/and
CWP-32330-2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-2175-CWP-2019 in/and
CWP-32330-2018
Date of decision: - 27.02.2019

Vidya Devi

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gopal Singh Nahel, Advocate,
for the applicant-petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-2175-CWP-2019

Present application has been filed to place on record affidavit
of the applicant-petitioner as Annexure P-3.

Application is allowed, as prayed for. Affidavit (Annexure
P-3) is taken on record.

CM stands allowed.

CWP-32330-2018

In the present writ petition, the grievance which is being
raised by the petitioner is that he performed the duties with the
respondents from 1974 onwards till 30.06.2001 when she retired. The

service which she rendered from 1974 till 1981 has not been counted by the respondents for computing the qualifying service on the ground that no CPF was deposited by the department till 1981 and therefore, only service for which the provident fund was deducted, is to be counted.

Counsel for the petitioner states that the said action of the respondent is bad in view of the settled principle of law that the complete service, which an employee has rendered, is to be taken as a qualifying service for computing the pensionary benefits, even if, the provident fund was not deducted for some time.

Counsel for the petitioner further states that for the relief which has been sought in the present writ petition, the petitioner has submitted a representation dated 09.06.2018 (Annexure P-2) to the respondents, which is still pending consideration with them 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.

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 representation dated 09.06.2018 (Annexure P-2) 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.

However, it is made clear that only the notional benefits shall be granted to the petitioner and the arrears shall be restricted to 38 months prior to the filing of the present writ petition.

February 27, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No