

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

**CWP No.1312 of 2020 (O&M)
Date of decision : January 20, 2020**

Ram Lal Petitioner

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Bhupeshwar Jaswal, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner states that the petitioner was initially appointed in the year 1982 and thereafter, he kept on serving the respondents till 01.10.1990, when his services were terminated. The order of terminating the services of the petitioner was challenged by him before the Labour Court and vide Award dated 11.01.1994, the petitioner was directed to be reinstated with the continuity of service and with full back wages.

Learned counsel for the petitioner further states that in pursuance to the Award dated 11.01.1994, the petitioner was reinstated in service on 26.05.1995 and the petitioner continued working till he attained the age of superannuation i.e.31.12.2010.

Learned counsel for the petitioner argues that the service which the petitioner has rendered from 1982 till 1995, has not been taken into account as a qualifying service for computing the pensionary benefits, which is contrary to the settled law. Reliance is being placed upon the pension payment order, which has been annexed as Annexure P-2 wherein, the date of appointment of the petitioner has been mentioned as 26.05.1995.

Prayer of the petitioner is for issuance of a direction to the respondents to recalculate the pensionary benefits of the petitioner by taking into account the service which the petitioner had rendered from October, 1982 onwards till the date of retirement i.e. 31.12.2010, keeping in view the law laid down by the Full Bench Judgment of this Court in “*Kesar Chand vs State of Punjab and others*”, 1988(5) SLR 27.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served a legal notice dated 22.10.2019 (Annexure P-3) upon 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 same by passing an appropriate speaking order in accordance with law.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 22.10.2019 (Annexure P-3), 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 him within a period of next three months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

January 20, 2020

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Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No