

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(124)

CWP No.2820 of 2020

DATE OF DECISION:03.02.2020

Dalip Batra

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.P.S. Sandhu, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

The grievance which has been raised in the present writ petition is that wife of the petitioner was initially working as Art & Craft Teacher since 01.10.1981 and, thereafter, was appointed as Gram Sevika on 18.11.1991. She unfortunately died while in service on 08.01.2011 but no benefit of the service, which the wife of the petitioner rendered from 1981 till 2011 i.e. approximately 30 years, has been given to the petitioner after her death on the ground that services of the wife of the petitioner were not regular so as to entitle her to the grant of pensionary benefits.

The further prayer of the petitioner is that the period for which the wife of the petitioner was under treatment, has been deducted from the earned leave whereas she was entitled for medical leave.

Learned counsel for the petitioner argues that the wife of the petitioner cannot be treated as temporary employee despite working for about 30 years and, therefore, she should be treated as

regular employee for the grant of pensionary benefits.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, the petitioner has served a legal notice dated 27.05.2019 (Annexure P-13), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case, a time bound direction is given to respondent No.2 to decide the legal notice dated 27.05.2019 (Annexure P-13).

In view of the request made, without expressing any opinion on the merits of the case and entitlement of the petitioner in respect of the claim made in the legal notice dated 27.05.2019, respondent No.2 is directed to decide the legal notice dated 27.05.2019 (Annexure P-13) within a period of three months from the date of receipt of a certified copy of this order.

In case it is found that the petitioner is entitled for any relief, the same shall also be released to him within a period of next three months.

Present writ petition stands disposed of.

February 03, 2020

jt

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No