

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(109)

CWP No.3717 of 2020

DATE OF DECISION:12.02.2020

Kulwinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. M.K. Bhatnagar, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

The claim of the petitioner in the present writ petition is that initially the petitioner rendered service on temporary basis with the respondents from 09.12.1986 till 31.12.1990 and, thereafter, his services were regularised and the petitioner retired from service on attaining the age of superannuation from the post of Junior Draftsman on 31.05.2017.

The grievance raised by the petitioner is that service which the petitioner rendered on temporary basis from 09.12.1986 till 31.12.1990 has not been taken into account as qualifying service for computing the pensionary benefits.

Learned counsel for the petitioner argues that the said act of the respondents is contrary to the settled principles of law settled by the Full Bench of this Court in *Kesar Chand Vs. State of Punjab and others, 1998(2) PLR 223*.

Further prayer of the petitioner is that the petitioner has also not been granted the benefit of financial up gradation after rendering 4,9,16 years of service and that too, without any valid

justification.

The prayer of the petitioner is for issuance of a direction to respondent No.2 to grant him the benefits as claimed above.

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 22.02.2019 (Annexure P-3) with Reminder dated 13.05.2019 (Annexure P-4), which are still pending consideration with respondent No.2 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 22.02.2019 (Annexure P-3) with Reminder dated 13.05.2019 (Annexure P-4).

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 22.02.2019 (Annexure P-3) with Reminder dated 13.05.2019 (Annexure P-4), the respondents are directed to decide the legal notice dated 22.02.2019 (Annexure P-3) with Reminder dated 13.05.2019 (Annexure P-4) 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 her within a period of next three months.

Present writ petition stands disposed of.

February 12, 2020
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No
Whether reportable : Yes / No