

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

CWP-8829-2020(O&M)

Date of decision:-11.8.2020

Ajay Kumar Sharma

...Petitioner

Versus

The State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.R.K. Chopra, Senior Advocate with
Mr.Gaurav Sharma, Advocate
for the petitioner.

Mr.Pankaj Gupta, Addl.A.G., Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

The present writ petition under Articles 226 and 227 of Constitution of India has been filed by petitioner – Ajay Kumar Sharma, aged about 44 years, working as Lecturer in Chemistry at Government Senior Secondary School, Koom Kalan, District Ludhiana, craving for issuance of appropriate writ/direction or order quashing Clause 16 of appointment letter dated 6.12.2006 (Annexure P-3) in view of judgment already pronounced by this Court in CWP No.5532 of 2015 titled as 'Jasvinder Singh Versus State of Punjab and others' decided on 1.2.2017

(Annexure P10) and in other different writ petitions, directing the respondents that the period of service rendered by the petitioner in the Government aided privately managed school be treated as qualifying service and be counted for the purpose of pensionary benefits and petitioner be permitted to have General Provident Fund Scheme and not New Defined Contributory Pension Scheme etc.

Before filing the petition, the petitioner is said to have served legal notice dated 9.12.2019 (Annexure P11) upon the official respondents without eliciting any response.

Learned counsel for the petitioner has contended that the petitioner would be satisfied if a direction is issued to respondents to consider the notice Annexure P11 and pass speaking order in the matter.

Learned State counsel representing the respondents states that respondents would do so as per direction issued by this Court..

Under the circumstances, to avoid any unnecessary litigation between the parties and to afford the respondents an opportunity to consider the claim of the petitioner and take appropriate action in the matter, the present petition is disposed of directing the respondents to consider the legal notice dated 9.12.2019 copy Annexure P11 in accordance with law, rules and settled law on the subject keeping in view the judgments referred to by the petitioner in the notice and then to dispose it of by way of speaking order within a period of two months from today.

It is further observed that in case the petitioner is not satisfied with the order so passed by the respondents on his legal notice, he would

be at liberty to approach this Court again in accordance with law.

11.8.2020

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No