

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

115

**CWP No.10528 of 2020
Date of decision:24.07.2020**

Ram Pal and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Baljeet Singh Sidhu, Advocate for the petitioners.

SUVIR SEHGAL J. (ORAL)

This matter has been taken up for hearing through video conferencing due to Covid-19 Pandemic.

The petitioners have approached this Court for issuance of a writ in the nature of mandamus for directing the respondents to count the service rendered by them before regularisation as qualifying service for the purpose of pensionary benefits, with a further prayer that they be held entitled to pensionary benefits as per the old General Provident Fund (GPF) Scheme which was applicable to the employees recruited in the Punjab Government Service prior to 01.01.2004.

Counsel for the petitioner has submitted that the petitioners were appointed as Class IV employees on part time basis between the years 1987 to 1992 and their services were regularized between the years 2012 to 2015 as has been depicted in the chart, Annexure P-1. It is

submitted that the employees recruited in the Punjab Government service prior to 01.01.2004 are covered under the GPF scheme and are entitled to pension and other benefits by counting the daily wage service rendered by them prior to regularization. Counsel urges that the claim of the petitioners is covered by a Division Bench judgment of this Court in CWP No. 2371 of 2010 *Harbans Lal Vs. State of Punjab and others* decided on 31.08.2014, Annexure P-4, which has been affirmed up to the Hon'ble Supreme Court of India. Before approaching this Court, the petitioners have submitted a legal notice dated 30.08.2019 which has remained unattended.

Counsel for the petitioners submits that, at this stage, the petitioners would be satisfied if a direction is issued to the respondents to consider and decide the representation within a specified time frame. The request made by the counsel is just and fair.

Without considering the claim of the petitioners on merits and without examining the legal notice submitted by them, the present writ petition is disposed of with a direction to respondent No.2-Director of Education Department, Punjab (Secondary Education) to examine the claim of the petitioners as raised by them in the legal notice dated 30.08.2019, Annexure P-6, and to take a decision thereon within a period of four months from the date of receipt of certified copy of this order.

24.07.2020

pooja saini

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No