

CWP No. 4944 of 2016 and other connected case

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 207)**

(1)

**CWP No. 4944 of 2016
Date of Decision : 12.02.2020**

Pawan Kumar Aggarwal

....Petitioner

Versus

State of Punjab and others

.....Respondents

(2)

**CWP No. 5023 of 2016
Date of Decision : 12.02.2020**

Ashok Kumar Verma

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sunny Singla, Advocate for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Mr. Aman Sharma, Advocate for respondent No. 4.

Mr. Tarunvir Singh Lehal, Advocate for respondent No. 5.

Harsimran Singh Sethi, J. (Oral)

By this common order, two writ petitions, the details of which have been mentioned in the heading, are being disposed of as both the writ petitions involve the same question of law and similar facts. For the

purpose of this order, the facts are being taken from CWP No. 4944 of 2016.

In the present writ petition, the claim which is being raised by the petitioner is that he is entitled for re-exercising the option in terms of the letter/Instructions dated 25.10.2012 (Annexure P-7), which option is not being allowed to the petitioner, which act of the respondents is contrary to the instructions, therefore, he prays that necessary direction be issued to respondent No. 5, from which institution, the petitioner retired, to grant him the benefit of exercising fresh option alongwith consequential benefits.

From the pleadings, it transpires that when the Instructions dated 25.10.2012 (Annexure P-7) were issued, petitioner was working in the Municipal Council, Budhlada and according to the petitioner, he had submitted his option within the time frame as envisaged under the Instructions dated 25.10.2012 (Annexure P-7) for re-exercising his option. Municipal Council, Budhlada is also respondent No. 5 in the present writ petition.

Learned counsel for the petitioner(s) argues that the petitioner (s) have already submitted legal notice claiming the benefit of the change of option on 12.07.2015 (Annexure P-9) and legal notice dated 08.06.2015 (Annexure P-9) in CWP No. 5023 of 2016, which are still pending consideration with the respondents and petitioner(s) will be satisfied at this stage in case a time bound direction is given to the respondents to decide the same by passing an appropriate speaking order.

Learned counsel appearing on behalf of respondent No. 5 states that legal notice(s) were not served upon the Municipal Council, Budhlada though, after the Municipal Council was arrayed as a respondent in the

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present writ petition, the said legal notice(s), being the part of the pleadings, have come to the notice of respondent No. 5. Learned counsel further states that Municipal Council, Budhlada will dispose of the said legal notice(s) by passing an appropriate speaking order, especially, qua the fact whether the petitioner(s) had opted for re-exercising of the option within the timeframe as envisaged under the Instructions dated 25.10.2012 (Annexure P-7).

Without going into the merits of the case, direction is issued to respondent No. 5 to decide the legal notice dated 12.07.2015 (Annexure P-9) and legal notice dated 08.06.2015 (Annexure P-9) in CWP No. 5023 of 2016 within a period of three months from the date of receipt of certified copy of this order. In case, it is found that petitioner(s) are entitled for any benefit as being claimed in the legal notice(s), the same will be granted to them by the appropriate authority within a period of three months thereafter.

Both the writ petitions stand disposed of in above terms.

February 12, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*