

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CWP No.20849 of 2020
Date of decision: 04.12.2020

Arun Kumar Gupta & Ors.

.....Petitioners

versus

Union of India and ors

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Sameer Sachdeva, Advocate for the petitioners.
*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

Prayer in the petition under Articles 226/227 of the Constitution of India is for the issuance of a writ of Mandamus for directing the respondents to grant the benefit of five years service towards pensionary benefits in terms of statutory provisions of law applicable and as allowed by this Court in similar matter i.e. CWP No.6595 of 2017, vide decision Annexure P/4 dated 02.04.2019 and as has been upheld upto Hon'ble the Supreme Court.

Learned counsel for the petitioners based on pleadings, submits that the grievance of the petitioners are that respondents have arbitrarily not granted the benefit of notional service of 5 years, while releasing retiral benefits. He submits that one of the main ground for not granting the aforementioned benefit is allegedly that the petitioners have opted for voluntary retirement under special voluntary scheme scheme. Learned counsel for the petitioners by making reference to judgment dated

06.01.2016 passed in CWP No.4071 of 2012, submits that this Court had allowed the petition of similarly situated employees like the petitioners and had also directed that in case there is further delay in releasing of the benefits, the due amount shall have to be paid with interest 7% per annum. Learned counsel further submits that for the same/similar grievances, petitioners had submitted a legal notice dated 18.01.2020 (Anneuxre P-6) to respondent Nos.2 & 3, but till date no action has been taken.

Notice of motion.

On the asking of Court, Mr. Pankaj Gupta, Advocate, accepts notice on behalf of respondents-UOI.

In view of the above and without commenting on the merits of the case, the present petition is disposed of with a direction to respondent No.2 & 3/Competent Authority, to consider the legal notice dated 18.01.2020 (Annexure P-6) and decide the same in accordance with law, as expeditiously as possible, preferably within a period of 05 months from the date of receipt of certified copy of this order.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

04.12.2020

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No