

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

115

**CWP No.21122 of 2020
Decided on : 09.12.2020**

Khazan Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. SPS Chahar, Advocate for the petitioner.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India seeks directions for issuance of a writ in the nature of mandamus by directing the respondents to count the temporary service/part time service w.e.f. 01.03.1990 to 11.12.2011, for the purpose of grant of pension and other consequential benefits, including grant of pension with gratuity with interest from the date of retirement i.e. 30.06.2018.

It is the case of the petitioner that he was working on part time basis from the above said date and his name was sponsored by the employment office. His services were, thereafter, regularized in compliance with the order dated 24.05.2011 and, thereafter, he has retired on 30.06.2018 (Annexure P-3) on attaining the age of 60 years. It is, thus, submitted that the petitioner was only granted gratuity for 6 years 6 months and 20 days and no other benefits were granted, on account of the earlier period of service not being counted. Counsel submits that legal notice dated 30.01.2020 (Annexure P-4) has been served upon the respondents for

the necessary relief, but the same has not been acted upon. He, accordingly, submits that he would be satisfied if the said legal notice is decided by the competent authority, within a fixed time frame.

Notice of motion.

Mr. Shivendra Swaroop, AAG, Haryana accepts notice on behalf of the respondents.

Keeping in view the fact that the decision making is incomplete, this Court is of the considered opinion that it is not necessary to call upon the respondents for filing reply, as it would delay the proceedings.

Accordingly, without commenting upon the merits of the case and the entitlement of the petitioner, the present writ petition is disposed off with the direction to the respondents/competent authority to decide the legal notice dated 30.01.2020 (Annexure P-4) within a period of two months from the date of receipt of the certified copy of this order. In case, the petitioner is held entitled, for counting of the said period, the amounts be paid thereafter within a period of three months. In case, the relief is not admissible and the said period is not liable to be counted for purposes of pension, reasoned order be passed and communicated to the petitioner forthwith.

Disposed off.

DECEMBER 09, 2020

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No