

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

**110**

**CWP-21783-2020**

**Decided on : 21.01.2021**

Kailash Gulati

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present: Mr.Ashish Goklnaey, Advocate, for the petitioner.

Ms.Maloo Chahal, DAG, Punjab.

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

**G.S. Sandhawalia, J. (Oral)**

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of directions in the nature of mandamus to count the service of the petitioner rendered by her from 03.05.1969 to 02.05.1970 in M.G.Ashoka Girls Sr.Sec. School, Sirhind Mandi, Fatehgarh Sahib-respondent No.4, for the purposes of pensionary benefits. Release of the due benefits are, thus, sought for, in view of the matter having been generalized by the respondents as per letter dated 31.08.2020 (Annexure P-3) wherein such benefits have to be given from the date of the initial appointment to the employees who had retired upto 31.05.2003.

It is the case of the petitioner that legal notice dated 17.08.2020 (Annexure P-7) has already been served upon the respondents showing that she retired from service on 31.10.2001 and is entitled for the benefits as per the said instructions.

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**-2-**

Counsel for the petitioner submits that respondent No.4 has already intimated to the petitioner that her revised pension case has been sent to the District Education Officer, who has further forwarded the case to respondent No.2, Director Public Instruction (SE), Punjab vide letter dated 12.12.2019, for further action. Counsel, thus, submits that the case is pending consideration in the office of respondent No.2 and seeks directions for disposal of the said claim.

Notice of motion.

Ms.Chahal accepts notice on behalf of respondents No.1 to 3.

Accordingly, keeping in view the above, without commenting upon the veracity of the said communications or the entitlement of the petitioner, since reply has not been received, the present writ petition is disposed of, with direction to respondent No.2 to decide the claim of the petitioner, as prayed for, vide letter dated 17.08.2020 (Annexure P-7), keeping in view the facts noted above. In case the amount is found payable, same be disbursed to the petitioner, within a period of 3 months. In case there is any legal impediment, a speaking order be passed and communicated to the petitioner.

**JANUARY 21, 2021**

*sailesh*

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

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No