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

CWP No.23648 of 2021 (O&M)

DATE OF DECISION: 03.12.2021

Babu Ram and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sharwan Sehgal, Advocate for the petitioners

..

ALKA SARIN, J. (Oral):

Heard through video conferencing.

The prayer in the present Civil Writ Petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the respondents to consider the option exercised by the petitioners for pension as a valid option as the same was exercised on the basis of the letter dated 14.11.2011 (Annexure P-2) issued by the Punjab Government. The petitioners are seeking release of their monthly pension as well as arrears of pension from the date of retirement along with interest.

Learned counsel for the petitioners would contend that the case of the petitioners is squarely covered by the judgments of this Court in **CWP-25695-2016** titled as **Kailash Sethi & Ors. vs. State of Punjab & Ors.** decided on 16.11.2019, **CWP-18430-2013** titled as **Jagtar Singh & Ors. vs. State of Punjab & Ors.** decided on 14.11.2014 and **CWP-**

15266-2014 titled as **Raman Kapoor vs. State of Punjab & Ors.** decided on 11.07.2016. It has further been contended that the order in the case of Raman Kapoor (*supra*) has been upheld by the Letters Patent Bench in **LPA No.2099 of 2016** titled as **State of Punjab & Ors. vs. Raman Kapoor & Anr.** decided on 20.07.2018. The learned counsel has further contended that with regard to the relief claimed in the present writ petition a Legal Notice dated 09.08.2021 (Annexure P-9) has already been served upon the respondents, however, till date, no decision has been taken qua the same.

Learned counsel for the petitioners states that at this stage he limits his prayer and would be satisfied if a direction is issued to respondent No.3 to decide the said Legal Notice dated 09.08.2021 (Annexure P-9) in a time-bound manner.

Notice of motion.

Mr. TarunVir Singh Lehal, Addl. AG Punjab, who has joined the proceedings through video conferencing, accepts notice on behalf of respondent Nos.1 and 2.

Heard.

In view of the limited prayer made by learned counsel for the petitioners and keeping in view the fact that the matter is not being decided on merits, the service of notice upon respondent No.3 is dispensed with at this stage.

Without commenting on the merits of the case, the present writ petition is disposed off with a direction to respondent No.3 to take a decision on the Legal Notice dated 09.08.2021 (Annexure P-9) in accordance with law and keeping in view the orders passed by this Court in the cases of **Kailash Sethi & Ors., Jagtar Singh & Ors. and Raman Kapoor** (*supra*) expeditiously and, in any case, within a period of two months from the receipt of a certified copy of this order.

Disposed off accordingly.

(ALKA SARIN)
JUDGE

03.12.2021
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NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO