

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

(118)

CWP-4711-2022

Date of Decision : March 10, 2022

Anil Kumar Sabharwal

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Sonia G. Singh, Advocate, for the petitioner.

Mr. Raman Kumar Sharma, Additional A.G., Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner submits that the petitioner was working as a Junior Engineer in the Department of Public Health and Sanitary, Haryana and on which post, the petitioner had joined in the year 1993 and while working on the said post through proper channel, the petitioner had applied for the post of Sub Divisional Officer in the Irrigation and Water Resources Department, Haryana to which post he got selected in May, 2007 and ultimately joined. Now, after the retirement of the petitioner, the petitioner has not been given the benefit of the service to the post of Junior Engineer which the petitioner had rendered with the Public Health Department, which is not only contrary to the rules governing the service for the grant of pension in the State of Haryana but also is against

the settled principle of law as, once the petitioner had joined the subsequent post with the permission of the Department, the service rendered by the petitioner in the Public Health Department is liable to be counted as qualifying service for computing the pensionary benefits after the petitioner retired from the Irrigation Department. Learned counsel for the petitioner further submits that the petitioner has already filed a legal notice dated 25.08.2021 (Annexure P-9) claiming the said benefit and though, there is already a correspondence between the department but the same is not finalized, which is causing prejudice to the petitioner. Learned counsel for the petitioner further submits that appropriate direction be issued to the respondents to decide the said legal notice by passing an appropriate speaking order.

Notice of motion.

Mr. Raman Kumar Sharma, learned Additional Advocate General, Haryana, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondents-State.

Learned counsel for the respondents raises no objection in deciding the legal notice of the petitioner in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 25.08.2021 (Annexure P-9), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 25.08.2021 (Annexure P-9) within a period of eight weeks from the date of receipt of copy of this order.

In case, it is found that the petitioner is entitled for the monetary benefits after the decision of the legal notice, the same should also be paid to the petitioner within four weeks thereafter.

March 10, 2022

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No