

CM-4218-CWP-2022 in/and
CWP No. 5707 of 2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104) CM-4218-CWP-2022 in/and
CWP No. 5707 of 2021
Date of Decision : 01.04.2022

Amar Singh ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gaurav Tyagi, Advocate for the petitioner.

Mr. Raman Kumar Sharma, Addl. Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

CM-4218-CWP-2022

Present application has been filed for preponing the date of hearing of the main petition i.e. CWP No. 5707 of 2021, which now stands adjourned to 13.05.2022.

Notice of the application to the counsel opposite.

Mr. Raman Kumar Sharma, learned Addl. Advocate General, Haryana, who is present in Court, accepts notice on behalf of respondent-State and raises no objection for the grant of prayer as raised in the present application.

Keeping in view the above, application is allowed and the hearing of the main petition i.e. CWP No. 5707 of 2021 is preponed from

13.05.2022 to today.

CWP No. 5707 of 2021

Learned counsel for the petitioner argues that in the present case, the grievance of the petitioner is that the qualifying service for computing the pensionary benefits has not been rightly computed as, only the period, during which the CPF (Contributory Provident Fund) was deducted, has been taken into consideration as a qualifying service and the service, which the petitioner had rendered from 18.08.1970 till 01.09.1974, has not been taken into account. Learned counsel for the petitioner submits that the question of law whether, the total period of service rendered by the employees is to be taken into consideration as a qualifying service, even if the CPF has not been deducted for some period, has already been decided while passing order in CWP No. 5897 of 2003 titled as ***Prem Chand Tagla and others Vs. State of Haryana and others***, decided on 09.01.2019.

Learned counsel for the petitioner submits that the prayer of the petitioner is squarely covered by the above said decision. Learned counsel further submits that the grievance, which has been raised in the present petition, has already been raised before the respondents in representation dated 27.10.2020 (Annexure P-7), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a direction is issued to respondent No. 2 to decide the representation dated 27.10.2020 (Annexure P-7) in a time bound manner by passing an appropriate speaking order.

Learned State counsel raises no objection in deciding the representation dated 27.10.2020 (Annexure P-7) in a time bound manner by

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No. 2 is directed to decide the representation dated 27.10.2020 (Annexure P-7) by passing an appropriate speaking order within a period of eight weeks from the receipt of copy of this order. In case, after the decision of the claim of the petitioner, it is found that the petitioner is entitled for the monetary benefits, the same should also be paid to the petitioner within a period of four weeks thereafter.

Present writ petition stands disposed of.

April 01, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes

Whether reportable? No