

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(116) CWP No. 4908 of 2022
Date of decision : 11.03.2022

Smt. Santro ...Petitioner

Versus

State of Haryana and othersRespondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Shalender Mohan, Advocate and
Ms. Aarti Sharma, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that the petitioner had joined service with the respondents in the year 1997 and continued working till her services were regularized by the respondents in the year 2014 and thereafter, on attaining the age of superannuation, the petitioner retired on 31.08.2018 but her claim of retiral benefits have not been considered under the Old Pension Scheme but the same has been considered under the Contributory Provident Fund Scheme by ignoring the judgment of a Division Bench of this Court in CWP No. 2371 of 2010 titled as ***Harbans Lal Vs. State of Punjab and others***, decided on 31.08.2010, which judgment has already attained finality upto the Hon'ble Supreme Court of India, wherein, it has already been held that an employee who was in service on 01.01.2004, though the services of the said employee have been regularized after the said date, will be entitled for the pension under the Old Pension Scheme.

Learned counsel for the petitioner prays that a direction be issued to the respondents to grant pensionary benefits to the petitioner including pension under the Old Pension Scheme as per the judgment of the Division Bench of this Court in ***Harbans Lal's case (supra)***.

Notice of motion.

Mr. Raman Kumar Sharma, learned Addl. Advocate General, Haryana, who has joined the proceedings through video conference, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner further states that for the relief, which has been claimed in the present writ petition, petitioner has served respondents with a legal notice dated 15.12.2021 (Annexure P-7), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No. 2 to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, respondent No. 2 directed to decide the legal notice dated 15.12.2021 (Annexure P-7) by passing a speaking order within a period of eight weeks from the date of receipt of a certified copy of this order.

Writ petition stands disposed of accordingly.

March 11, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*

Whether reportable? *No*