

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-5361-2022

Date of Decision: 16.03.2022

Tijan Devi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Malik, Advocate, for the petitioner.

(Through Video Conference)

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present case, prayer of the petitioner is that she was continuously working with the respondent-Department, since 30.04.1990 up to the date when she retired, i.e. on 05.07.2014. Learned counsel submits that the petitioner's services were regularized by the respondent-Department on 01.07.2006 and keeping in view the said aspect, the petitioner is not being granted the benefits of old Pension Scheme on the ground that after 01.01.2004, new Contributory Provident Fund Scheme has been invoked, and the said action of the respondent-Department is contradictory to the settled principle of law as laid down by the Division Bench of this Court while passing judgment in **CWP-2371-2010**, titled as ***“Harbans Lal Vs. The State of Punjab and others”***, decided on 31.08.2010, which has already attained finality,

therefore, the petitioner is entitled for the benefits under the old Pension

Scheme. Learned counsel for the petitioner also submits that further grievance of the petitioner is that after services of the petitioner were regularized, even the regular salary was not being paid to her, which action is totally arbitrary and illegal.

Learned counsel for the petitioner submits that the said grievances have already been raised by the petitioner before the competent Authority in the form of a legal notice dated 16.11.2021 (Annexure P-11) but the same is still pending consideration with the Authority concerned which is causing prejudice to her.

Learned counsel for the petitioner submits that the petitioner will be satisfied at this stage, in case a time bound direction is given to the respondents to decide the said legal notice dated 16.11.2021 (Annexure P-11) by passing an appropriate speaking order.

Notice of motion.

Mr. Raman Kumar Sharma, Additional A.G., Haryana, keeping in view the advance service of copy of the petition, accepts notice on behalf of the State and raises no objection, in case prayer made hereinbefore on behalf of the petitioner for deciding the legal notice dated 16.11.2021 (Annexure P-11) in a time bound manner is accepted.

Keeping in view the facts and circumstances of this case and without going into merits of the present case as well as the said legal notice dated 16.11.2021, this petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the legal notice dated 16.11.2021 (Annexure P-11), filed by the petitioner, within a period of eight weeks from the date of receipt of the copy of this order. In case, the petitioner is found entitled for the relief, the same be also released in her

favour within a period of next four weeks of passing of the said order on her legal notice dated 16.11.2021 (Annexure P-11).

16.03.2022

Apurva

(HARSIMRAN SINGH SETHI)

JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No