

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

CWP-6578-2022

Date of Decision: March 30, 2022

CHARAN JEET

..... PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sunil Kumar Nehra, Advocate
for the petitioner.

Mr. Harish Nain, A.A.G., Haryana.

LISA GILL, J. (ORAL)

Prayer in this writ petition is for directing the respondents to count the service rendered by the petitioner on the post of Conductor in the Transport Department, Haryana from 12.04.2012 till 11.02.2019, for the purpose of pensionary benefits including gratuity, leave encashment, seniority etc.

Learned counsel for the petitioner submits that petitioner while working as a Conductor with the Transport Department had applied for appointment to the post of PGT English in the School Education Department, after seeking requisite permission from the competent authority

in the Transport Department. Petitioner being selected on the post of PGT English on 06.02.2019, had submitted his technical resignation on 11.02.2019, which was accepted and petitioner was relieved from his duty w.e.f. the said date and petitioner joined the School Education Department on 12.02.2019, thus there being no break in his service. Learned counsel further submits that petitioner sought that service rendered by him in the Transport Department be counted for the purpose of pensionary benefits, gratuity, leave encashment, seniority etc., but no action has been taken by the authorities. In this respect, it is submitted, representation dated 14.02.2022 (Annexure P-10) has also been submitted but to no avail. Learned counsel relies upon judgments of a Division Bench of this Court in ***Dr. Narinder Kaur Vs. Central Administrative Tribunal and others 2016(2) SCT 775*** and a coordinate Bench in ***Mohinder Singh Ahlawat, Deputy Superintendent (retd.) Vs. Haryana Urban Development Authority, 2012(3) SCT 152***, to buttress the petitioner's claim. However, at this stage, learned counsel for the petitioner restricts his prayer for a decision on the representation dated 14.02.2022 (Annexure P-10) in a time bound manner.

Notice of motion.

Mr. Harish Nain, A.A.G., Haryana, accepts notice on behalf of all the respondents. Advance copy of the writ petition stands served. Learned counsel for the State does not raise any serious objection to the restricted prayer addressed.

Keeping in view the entire facts and circumstances of this case as well as the judgments referred above, but without any expression of opinion this writ petition is disposed of with a direction to the competent

authority to decide representation dated 14.02.2022, Annexure P-10, within three months from receipt of certified copy of this order. In case of an order adverse to the petitioner, same be by way of a speaking order.

30.03.2022
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No