

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

CWP No.7847 of 2022

Date of Decision:-20.04.2022

Sharda Bhasin

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sunny Singla, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI J.(Oral)

Prayer in the present petition is for issuing a direction to the respondents to count qualifying service of the petitioner for grant of revised pensionary benefits with effect from the date of her joining the department instead of date of contribution to provident fund.

Learned counsel for the petitioner argues that in the present case the service period for which the provident fund was not deducted has not been taken into account as qualifying service for the grant of pensionary benefits, which act of the respondents is contrary to the principle of law settled 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 though the similarly situated employees have already been extended the benefits but the petitioner has not been extended

the same on the ground that the petitioner was not the party to the said writ petition.

Learned counsel for the petitioner further submits that the grievance, as has been raised, in the present writ petition, has also been raised by the petitioner in the legal notice dated 18.5.2021 (Annexure P-3), which is still pending consideration with the respondent authorities and the petitioner will be satisfied at this stage in case direction is given to the respondents to decide the said legal notice dated 18.5.2021 (Annexure P-3) in a time bound manner.

Notice of motion.

Mr. Raman Kumar Sharma, Addl. A.G. Haryana accepts notice on behalf of respondents and raises no objection in deciding the legal notice dated 18.5.2021 (Annexure P-3) in a time bound manner.

Without going into the merits of the case or the claim being made by the petitioner in the present petition or in the legal notice, the respondent No.2 is directed to decide the legal notice dated 18.5.2021 (Annexure P-3) within a period of eight weeks from the date of receipt of certified copy of this order. In case, after the decision, the petitioner is found entitled for any benefits, the same be also extended to him within a period of four weeks thereafter.

April 20, 2022
Vijay Asija

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No