

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

**(109) CM-9900-CWP-2022 and
CM-9901-CWP-2022 in/and
CWP-19979-2021
Date of Decision : July 14, 2022**

Bhagmal and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ram Darshan Yadav, Advocate,
for the applicant-petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-9900-CWP-2022

As prayed for, the application is allowed.

CM-9901-CWP-2022

Present application has been filed for recalling the order dated 11.07.2022, by which, the present writ petition was dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. The order dated 11.07.2022 is recalled and the writ petition is restored to its original number and status.

CWP-19979-2021

Learned counsel for the petitioners submits that the service which the petitioners had rendered with the Department of Police, prior to the joining of the Education Department Haryana, needs to be counted for the grant of pensionary benefits, which benefits have not been given to petitioner No.2 who has already retired. Learned counsel for the petitioners further submits that petitioners No. 1 and 3 apprehend that they will also be treated in the same manner and therefore, service which the petitioners had rendered with the Police Department needs to be taken into consideration as a qualifying service for computing the pensionary benefits which benefits are not been extended by the respondents despite being covered by the rules governing the service as well as settled principle of law.

Learned counsel for the petitioners further submits that for the relief, which has been claimed in the present petition, the petitioners have already served a legal notice upon the respondents on 20.03.2020 (Annexure P-4), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to respondent No.2 to decide the said legal notice by passing an appropriate speaking order.

Notice of motion.

Mr. Harish Nain, learned Assistant Advocate General, Haryana,

who is present in the Court, accepts notice on behalf of the respondents.

Learned counsel for the respondents raises no objection in deciding the legal notice of the petitioners in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the legal notice dated 20.03.2020 (Annexure P-4), the present writ petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 20.03.2020 (Annexure P-4) within a period of eight weeks from the receipt of copy of this order.

July 14, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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