

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

113

CWP-9157-2022

Date of Decision :05.05.2022

Dayaram

..Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bhunesh Lakhera, Advocate for the petitioner.

Mr. N.K. Vashisht, Advocate for the respondent-UI.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that though, the petitioner has been dismissed from service but, keeping in view Rule 41 of the Central Civil Services (Pension) Rules 1972, the petitioner is entitled for compassionate pension as the petitioner had served the respondents for a period of 33 years before he was dismissed from service.

Learned counsel for the petitioner submits that as per the settled principle of law, even a person, who was dismissed from service on the ground of disproportionate estate, has been allowed concession of compassionate pension keeping in view the provisions of Rule 41 of the Central Civil Service (Pension) Rules, 1972 and the petitioner is on better footing for considering his case for the grant of compassionate pension.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance before the respondents by way of serving a legal notice dated 17.03.2022 (Anneuxre P/1), 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 by passing appropriate speaking order.

Notice of motion.

Mr. N.K. Vashisht, Advocate, who is present in Court, accepts notice on behalf of respondent-UOI and raises no objection in deciding the legal notice dated 17.03.2022 (Anneuxre P/1) in a time bound manner by passing an appropriate speaking order.

In view of the above, without expressing any opinion on the merits of the case or the claim being made by the petitioner in legal notice dated 17.03.2022 (Anneuxre P/1), respondent No.2 is directed to decide the legal notice dated 17.03.2022 (Anneuxre P/1) by passing a speaking order within a period of eight weeks from the date of receipt of copy of this order.

Present writ petition stands disposed of.

May 05, 2022
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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