

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

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CWP-9356-2022

Date of Decision :05.05.2022

Jagjit Singh**..Petitioner**

Versus

State of Punjab and another**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Vikas Chatrath, Advocate for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that keeping in view the settled principle of law settled by this Court in CWP No.14328 of 1991 tilted as **Sukhdev Singh and others vs. State of Punjab and others** on 10.03.2010 that the service rendered by a person in a Government aided Institution, prior to joining the post under the Government department, is liable to be counted as a qualifying service for computing his/her pensionary benefits. Learned counsel for the petitioner submits that though, the case of the petitioner is covered by the decision of this Court in Sukhdev Singh's case (Supra), but the said benefit is not being extended to the petitioner for the reasons best known to the respondent-department. Prayer of the petitioner is for issuance of a direction to the respondent-department to consider the claim of the petitioner to grant him the benefit of computing his service, which he has rendered with the aided institution, as a qualifying service for computing his pensionary benefits.

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 31.07.2021 (Anneuxre P/7), 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.

Ms. Anju Sharma Kaushik, DAG, Punjab, who is present in Court, accepts notice on behalf of respondent-State and raises no objection in deciding the legal notice dated 31.07.2021 (Anneuxre P/7), 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 31.07.2021 (Anneuxre P/7), respondent No.2 is directed to decide the legal notice dated 31.07.2021 (Anneuxre P/7), by passing a speaking order within a period of eight weeks from the date of receipt of copy of this order. In case after the decision, it is found that petitioner is entitled for any monetary benefit, the same will be extended to him within a period of next four weeks

Present writ petition stands disposed of.

May 05, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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