

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

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CWP No. 10393 of 2022

DATE OF DECISION: 16.05.2022

Devi Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. P.S.Jammu, Advocate,
for the petitioners.

Mr. Pankaj Middha, Addl. AG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of mandamus directing the respondents to grant pensionary benefits under the Old Pension Scheme existent prior to 01.01.2004, claiming that they remained posted as seasonal employees from the years 1986 to 2006 and later regularized in the year 2006.

2. Petitioners were hired as *Swasthya Sahayak* to work as seasonal spray staff under 'Malaria Eradication Scheme' from year 1986 onwards except petitioner No.2, who retired in the year 2021. Seasonal employees were to be regularized in view of policy dated 07.05.1991 (Annexure P-1).

3. Learned counsel for petitioners argues that though the posts remained vacant but eligible persons, like the petitioners, were not regularized within time. Petitioners were finally regularized in the year 2006. Whereas, similarly situated employees who were regularized in the year 2005 have been given benefit of Old Pension Scheme, but the petitioners have been put under the New Pension Scheme.

4. Petitioners also served legal notice dated 01.09.2021 (Annexure P-7) but the same has not been adverted till date. Hence the petition.

5. On advance service, learned State counsel appears and submits that a decision will be taken by competent authority, either way, on the pending legal notice dated 01.09.2021 (Annexure P-7) by passing a speaking order.

6. At this stage, learned counsel for the petitioners also seeks an administrative decision, as suggested by learned State counsel.

7. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

8. Without commenting on the merits of the case, the instant writ petition is disposed of with a direction to the competent authority of the respondents to look into the legal notice dated 01.09.2021 (Annexure P-7) and pass appropriate order, in accordance with law.

9. Needful be done as expeditiously as possible.

10. Disposed of accordingly.

MAY 16, 2022
neenu

(ARUN MONGA)
JUDGE

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