

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

**CM-5515-CWP-2022 in/and
CWP-13069-2021
Date of Decision: 18.04.2022**

Mithlesh Kaushik

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Tyagi, Advocate,
for the petitioner.

Mr. Raman Kumar Sharma, Additional A.G., Haryana.
(Keeping in view the advance service)

HARSIMRAN SINGH SETHI J. (ORAL)

CM-5515-CWP-2022:

Present application has been filed for preponing the next date of hearing in the main petition, i.e. CWP-13069-2021, which now stands adjourned to 26.09.2022.

Notice of the application to the counsel opposite.

Mr. Raman Kumar Sharma, Additional A.G., Haryana, who is present in the Court, accepts notice on behalf of the State and raises no objection, in case the prayer, as raised in the present application for preponing the next date of hearing in the main case, is allowed.

Keeping in view the above, the present application is allowed

and the next date of hearing in the main petition, i.e. CWP-13069-2021, is

preponed from 26.09.2022 to today itself, for consideration.

CWP-13069-2021:

The prayer of the petitioner in the present petition is that the service, which she had rendered but for which period the contributory provident fund was not deducted by the respondents, the said period of service has not been taken into account as a qualifying service for computing the pensionary benefits of the petitioner, which act of the respondents is contrary to the settled principle of law as laid down by this Court while deciding **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 keeping in view the said judgment, the respondents have also issued Notification that all the similarly situated employees be also granted the benefits keeping in view the decision in ***Prem Chand Tagla's case (supra)***. Learned counsel for the petitioner further submits that the grievance as raised in the present petition has already been raised by the petitioner by filing the representation dated 28.02.2021 (Annexure P-5) with the authorities concerned, claiming the said benefit and the petitioner will be satisfied at this stage, in case a direction is issued to the respondents to decide the said representation dated 28.02.2021, by passing an appropriate speaking order in a time bound manner keeping in view the settled principle of law as laid down in ***Prem Chand Tagla's case (supra)***.

Keeping in view the above and without expressing any opinion on the merits of the case or the claim being made by the petitioner in the representation dated 28.02.2021 (Annexure P-5), the respondent No.2 is

directed to decide the said representation dated 28.02.2021, by passing an appropriate speaking order within a period of eight weeks from the date of receipt of the copy of this order.

In case, after the decision of the representation dated 28.02.2021, it is found that the petitioner is entitled for the monetary benefits, the same should also be paid to her within a period of four weeks thereafter.

18.04.2022
Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No