

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(155)

CWP-13617-2022

Date of Decision : July 04, 2022

Dr. Suraj Bhan Yadav and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Deepika, Advocate, for
Mr. Sandeep Kumar Yadav, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioners argues that the period of probation as well as adhoc service rendered by the petitioners, which was followed by the regular service, has not been taken into account as qualifying service for computing the pensionary benefits of the petitioners, which is totally arbitrary and illegal and is contrary to the settled principle of law.

Learned counsel for the petitioners submits that not only the probation period but even the adhoc service rendered by an employee is to be counted as qualifying service for computing the pensionary benefits keeping in view the judgment of the Full Bench of this Court in '*Kesar Chand Vs. State of Punjab and others*', AIR 1988 Punjab 265, hence, the respondents are liable to be directed to grant the petitioners, the benefit of total length of service as qualifying service for computing their pensionary

benefits.

Learned counsel for the petitioners further submits that the petitioners have already raised the said grievance before the respondents by serving upon them a legal notice dated 17.02.2022 (Annexure P-21), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a direction is issued to respondent No.2 to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

Mr. Raman Kumar Sharma, learned Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents and raises no objection in deciding the legal notice dated 17.02.2022 (Annexure P-21) in a time bound manner by passing an appropriate speaking order.

Without expressing any opinion on the merits of the case or the claim being made by the petitioners in the legal notice dated 17.02.2022 (Annexure P-21), the present writ petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 17.02.2022 (Annexure P-21) by passing an appropriate speaking order within a period of eight weeks from the receipt of copy of this order.

July 04, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No