

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(127)

CWP-15914-2022

Date of Decision : July 26, 2022

Kaushaliya Devi

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikram Sheoran, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that the petitioner, who was working in the Municipal Corporation, was not given the benefit of Haryana Municipal Employees Pension and General Provident Fund Rules, 1993 on the ground that the same has not been opted for during the service career by the petitioner. Learned counsel for the petitioner submits that this Court has granted the same benefit to the similarly situated employee namely Nandu and held that once the rules were not brought to the notice of the employees concerned, the same cannot be used to their detriment and the benefit of pension has been allowed in favour of Nandu by this Court while passing order in *CWP No.3500 of 2018 titled as Nandu versus State of Haryana and others, decided on 04.03.2020*. Learned counsel for the petitioner further submits that the petitioner is similarly situated as Nandu and hence, the petitioner is entitled for the benefit of pension in respect of the service rendered by her.

Learned counsel for the petitioner further submits that for the grievance which has been raised in the present petition, the petitioner has already approached the respondents by serving upon them a legal notice dated 17.06.2022 (Annexure 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 the respondents to decide the said legal notice by passing an appropriate speaking order.

Notice of motion.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

Learned counsel for the respondents raises no objection in deciding the legal notice of the petitioner dated 17.06.2022 (Annexure P-7) in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by her in the legal notice dated 17.06.2022 (Annexure P-7), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 17.06.2022 (Annexure P-7) within a period of eight weeks from the receipt of copy of this order.

In case, it is found that the petitioner is entitled for the monetary benefits after the decision of the legal notice, the same should also be paid to the petitioner within four weeks thereafter.

July 26, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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