

131.

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

CWP-28296-2022

Date of Decision: 08.12.2022

HARBANS LAL AND OTHERS

.... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mukesh Kumar Bhatnagar, Advocate, for the petitioners.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to grant the benefit of military service rendered by the petitioners during the period from 03.12.1971 to 25.03.1977 and to refix their pay for the purpose of revision of pension and also to release arrears along with interest @ 12% per annum.

Counsel appearing on behalf of the petitioners would submit that in this regard, the petitioners have already served a representation dated 10.02.2021, but when no reply was received, a legal notice dated 04.10.2021, was also served, but that too was not responded. Counsel would submit that at this stage, the petitioners would be satisfied in case his legal notice dated 04.10.2021 (Annexure P-4) is decided in accordance with law, in a time bound manner. It is also submitted that similar benefit has already been granted by this Court in judgments passed in ***CWP No.4318 of 2015, Piara***

Singh and others Versus State of Punjab and others, decided on 25.03.2015 (Annexure P-8) and in ***CWP No.17661 of 2013, Rajinder Singh Versus State of Punjab and others***, decided on 13.11.2014 (Annexure P-9)

Notice of motion.

Mr. Mohit Kapoor, Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of respondents.

Let sufficient number of copies of complete paper book be supplied to him during the course of day.

Without commenting on merits of the case and keeping in view the limited prayer made by counsel for the petitioners, the present petition is disposed of with a direction to the respondents to decide legal notice dated 04.10.2021 (Annexure P-4) of the petitioners keeping in view the judgments rendered by this Court vide Annexures P-8 and P-9, within a period of three months from the date of receipt of certified copy of this order, in accordance with law and convey the decision to the petitioners. In case of failure to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

However, the authorities concerned are at liberty to verify the eligibility of each petitioner and then pass appropriate orders in conformity with the decisions cited above.

(JAISHREE THAKUR)
JUDGE

08.12.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No