

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(111) CM-5123-CWP-2022 in/and
CWP-18862-2021
Date of Decision : April 08, 2022

Gian Parkash Rustogi .. Petitioner

Versus

State of Haryana and others .. Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-5123-CWP-2022

Present application has been filed for preponing the date of hearing of the main petition i.e. CWP-18862-2021, which now stands adjourned to 30.09.2022.

Notice of the application to the counsel opposite.

Mr. Narender Singh Behgal, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of respondents-State and raises no objection for the grant of prayer as raised in the present application.

Keeping in view the above, application is allowed and the hearing of the main petition i.e. CWP-18862-2021 is preponed from 30.09.2022 to today.

CWP-18862-2021

The prayer of the petitioner in the present petition is that the service, which he 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 settled by this Court in ***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 11.05.2021 (Annexure P-13) with the respondents 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 same by passing an appropriate speaking order in a time bound manner keeping in view the settled principle of law in ***Prem Chand Tagla's case (supra)***.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the representation, respondent No. 2 is directed to decide the representation dated 11.05.2021 (Annexure P-13), by passing a speaking order within a period of eight weeks from the receipt of copy of this order.

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

Present writ petition stands disposed of.

April 08, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No