

124.

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-19846-2022

Date of Decision: 05.09.2022

KAMALJIT SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajeev K. Kapila, Advocate,
for the petitioner.

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 count the daily wage service of the petitioner rendered before regularization as qualifying service for the purpose of pensionary/retiral benefits, with a further prayer that the petitioner be entitled to pensionary benefits as per the old General Provident Fund Scheme which was applicable to the employees recruited in Punjab Government service prior to 01.01.2004 in view of the judgment of this Court in ***Harbans Lal Versus State of Punjab and others, decided on 31.08.2010 (Annexure P-3)***; CWP No.3250 of 2014, decided on 14.07.2014 (Annexure P-4); CWP No.23606 of 2012, decided on 10.10.2014 (Annexure P-5); CWP No.24472 of 2015, decided on 07.01.2016 (Annexure P-6); and orders passed in Annexures P-7 and P-8.

Counsel for the petitioner would submit that in this regard, the petitioner has already served a legal notice dated 14.12.2021 (Annexure P-10) upon the respondents, but till date no decision has been taken thereon. He would submit that the petitioner would be satisfied in case the said legal notice is decided in a time bound manner.

Notice of motion.

On the asking of the Court, Ms. Deepali Puri, Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondents and submits that the respondents will look into the matter and will take a decision on the legal notice of the petitioner.

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

Without commenting on merits of the case, the present petition is disposed of with a direction to the respondents to decide legal notice dated 14.12.2021 (Annexure P-10) of the petitioner, 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 petitioner. 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.

(JAISHREE THAKUR)
JUDGE

05.09.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No