

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

CWP No.20521 of 2022

Date of Decision: 09.09.2022

Satwinder Bajwa

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Shashi Kumar Rattan, Advocate for the petitioner

VIKAS SURI, J. (Oral)

The actual grievance of the petitioner as is made out from this petition under Article 226/227 of the Constitution of India is for grant of pension after taking into account the ad hoc service of approximately 1 year 5 months, which would become 31 years, 10 months and 20 days and further by regularizing the period of absence, the total service would become 33 years, 3 months and 16 days, approximately.

It has been averred in the petition that the petitioner was appointed through proper channel as Staff Nurse on ad hoc basis w.e.f 13.08.1977 with the third respondent, earlier known as Shri Guru Teg Bahadur Hospital, Amritsar. The said service was without any break and the petitioner had also earned the first annual increment on 31.03.1978 and so on. The service of the petitioner was regularized vide letter dated 09.01.1979. The service rendered by the petitioner prior to the said date i.e.

01.04.1978 to 31.03.1979 had also been verified and entries of the same are available in her Service Book. The petitioner, after attaining the age of superannuation, retired on 30.11.2010 but was not paid any terminal benefits. The petitioner pursued her case with the respondents and after persistent efforts of about 8 long years, on 31.03.2018, an amount of Rs.1,02,000/- was released to her towards General Provident Fund but without any interest for the delay in making the payment. It is also averred that on account of not having maintained the Service Book in a proper manner, there are many entries and unauthorized cuttings in the Service Book which are unexplained and on account of same, release of full terminal benefits to the petitioner is being delayed. The petitioner kept pursuing the matter with the authorities and also served legal notice dated 26.04.2021 (Annexure P-6), as a justice demand notice. The same was followed by two reminders dated 15.05.2021 and 30.07.2021 (Annexures P-7 and P-8, respectively). It may also be noticed that even to obtain a copy of the Service Book, the petitioner had to file an application under the Right to Information Act, but then also only unattested copies were supplied and that too after much delay. A perusal of the Service Book, as obtained under the Right to Information Act, shows that a willful attempt has been made to curtail the service period of the petitioner and the period of service has now been depicted as 2709 days, which is countersigned by the Section Officer on 11.05.2022.

Learned counsel, on instructions from the petitioner, submits that petitioner would be satisfied, at this stage, if the prayer in alternate is considered first and this petition is disposed of with the direction to the

respondents to consider and decide the claim raised in the legal notice (Annexure P-6) and the reminders thereto (Annexures P-7 and P-8) as well as treating the present petition as a representation, as the last entry in the Service Book has been made after the legal notice was sent, by passing a speaking order with regard to the entire claim, in a time bound manner.

This Court is inclined to grant the aforesaid prayer in alternate, keeping in view that a part of the terminal benefits was released on 31.03.2018, which ordinarily should have been disbursed shortly after the petitioner retired on 30.11.2010. Moreover, the respondents would also have to explain as to on what basis the qualifying service of the petitioner was revised to be reduced on 11.05.2022 i.e. nearly 12 years after retirement of petitioner in the year 2010.

Accordingly, without going into merits of the case or the claim being made by the petitioner in the present petition or in the justice demand notice (legal notice and the reminders thereto), the competent authority (respondent Nos.2 and 3) are directed to consider and decide the legal notice dated 26.04.2021, reminders dated 15.06.2021 and 30.07.2021 (Annexures P-6 to P-8 respectively) as well as to treat the present petition as a representation and to consider all of them jointly, so as to cover all the grievances raised by the petitioner and decide the entire claim in accordance with law, by passing a speaking order within a period of five months from the date of receipt of certified copy of this order.

It is, however, made clear that it would be open to the competent authority to call upon the petitioner by affording an opportunity of personal hearing and for her to also substantiate the claim raised in the

justice demand notice or in this petition, in case of any doubt or ambiguity in record.

Needless to observe that in case, after the decision, the petitioner is found entitled for any benefit, the same be also extended to her within a period of six weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

September 09, 2022
Ajay

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