

112

CWP No.23353 of 2022

Date of Decision:12.10.2022

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Ankita Malhotra, Advocate,
for the petitioner.

Mr. Harish Nain, AA.G, Haryana.

Mr. Sanjiv Kumar Aggrawal, Advocate and
Mr. Tejas Bansal, Advocate,
for respondent No.3.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner has argued that the actual service, which the petitioner had rendered after which the pensionary benefits have been computed, has been calculated as 18 years, 09 months and 25 days, whereas keeping in view the Rule 30 of the Haryana Civil Services (Pension) Rules, 2016, fraction of three months or more, is to be treated as completed half year and hence, the petitioner is entitled for qualifying service of 19 years instead of 18 years, 09 months and 25 days for calculating the pensionary benefits.

Learned counsel for the petitioner submits that the grievance, which has been raised in the present petition, has already been raised by the petitioner by way of serving upon the respondents a legal demand notice on 09.07.2022, copy of which has already been appended with the petition as Annexure P-5 and the petitioner would be satisfied, in case a time bound direction is given to the respondents to decide the same by passing

appropriate speaking order.

Notice of motion.

Mr. Harish Nain, AA.G, Haryana, accepts notice on behalf of respondent-State. Mr. Sanjiv Kumar Aggrawal, Advocate and Mr. Tejas Bansal, Advocate, appear and accept notice on behalf of respondent No.3. They raise no objection for deciding the legal notice dated 09.07.2022 (Annexure P-5) in a time bound manner.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief, which has been claimed by him in the legal notice dated 09.07.2022 (Annexure P-5), the present writ petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 09.07.2022 (Annexure P-5), within a period of eight weeks from the receipt of copy of this order by passing appropriate speaking order.

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

12.10.2022
monika

(HARSIMRAN SINGH SETHI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | No |