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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23347-2022
Date of decision: 12.10.2022

DEEPAK KUMAR

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Baljeet Singh Sidhu, 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 and 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 law laid down by this Court in *CWP No.2371 of 2010*, titled as *Harbans Lal versus State of Punjab and others*, decided on 31.08.2010 (Annexure P-4). In this regard, a legal notice dated 13.10.2021 (Annexure P-7) has been given by the petitioner to respondent No.2, but till date no decision has been taken thereon.

Notice of motion.

Ms. Deepali Puri, Addl. A. G., 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 respondent No.2 to decide the legal notice dated 13.10.2021 (Annexure P-7) of the petitioner within a period of two months from the date of receipt of the certified copy of this order, in accordance with law and convey the decision to the petitioner. In case of failure to do so, respondent No.2 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.

12.10.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No