

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

111

CWP No.23511 of 2022

Date of Decision: 14.10.2022

Kashmiri Lal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Amrik Singh, Advocate, for the petitioner.

VIKAS SURI, J. (Oral)

Learned counsel for the petitioner submits that the petitioner has been denied the right to give his option, which was subsequently allowed to others in terms of notification dated 24.12.1992.

There was litigation before this Court that was decided by a Division Bench of this Court in CWP-18537-1995 titled ***Jawahar Lal Verma G.H.S. Manqwal, Sangrur and others vs. State of Punjab and others***, decided on 21.03.1996 (Annexure P-2) and subsequently by a coordinate Bench in CWP-14954-2010 titled ***Pritam Singh and others vs. State of Punjab and others*** and other connected matters, decided on 17.03.2011.

It is contended that the pension of the petitioner has been affected, which is a continuing wrong and as such delay and laches would come in the way of the petitioner, in view of the recent judgments of the Apex Court.

Learned counsel for the petitioner further submits on instructions, that the petitioners would not claim any pecuniary arrears prior to the date of institution of the present petition but the same be

notionally given, so as to revise the pension accordingly, as has been done for similarly situated employees.

Learned counsel would further submit that for the claim made in the present petition, the petitioner has already served legal notice dated 04.09.2022 (Annexure P-6) and the same is pending consideration with the respondent-authorities.

In view of the above, the petitioner restricts his prayer for a decision of the claim in the legal notice.

Notice of motion to that limited extent.

Ms. Anju Sharma, DAG, Punjab, accepts notice on behalf of respondent Nos.1 to 5 and waives service.

She would submit that she has been instructed by respondent No.4 to state that the competent authority will look into the claim of the petitioner as raised in the legal notice dated 04.09.2022 and decide the same in accordance with law within the stipulated period.

Heard learned counsel for the parties.

Without expressing any opinion or going into the merits of the case or the claim being made by the petitioner in the present petition or in the representation, respondent No.3/Competent Authority is directed to consider and decide the claim made in the representation dated 04.09.2022 (Annexure P-6), in accordance with law, by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order.

Needless to observe that in case, after the decision, petitioner is found entitled for any benefits, the same be released to him within a period

of four weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

October 14, 2022
vcgarg

Whether speaking/reasoned:	Yes
Whether reportable:	No