

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

CWP-24979-2022 (O&M)

Date of decision: October 31, 2022

Subhash

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rajender Singh Malik, Advocate for the petitioner.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of an appropriate writ in the nature of Mandamus directing respondents to consider the petitioner under the Old Pension Scheme and the part time service period from 20.09.1998 to 09.07.2012 be treated as a qualifying service as regular for pensionary benefits along with consequential benefits and also along with interest @ 18% per annum.

2. *Qua* his grievance, petitioner has also served a legal notice dated 05.09.2022 (Annexure P-4), but the same has not been adverted by respondents till date. Hence the petition.

3. On advance service, learned State counsel appears and submits that a decision will be taken by competent authority, either way, on the pending legal notice dated 05.09.2022 (Annexure P-4) by passing a speaking order.

4. At this stage, learned counsel for the petitioner also seeks decision on the pending representation, as suggested by learned State counsel.

5. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

6. Without commenting on the merits of the case, the instant writ petition is disposed of with a direction to the respondents to look into the pending legal notice dated 05.09.2022 (Annexure P-4) of the petitioner and pass an administrative order, in accordance with law. It would be appreciated if the competent authority considers the applicability of the Apex Court judgment rendered in **Harbans Lal versus State of Punjab**, reported as **2012 (3) SCT 362** before passing the order.

7. Let the needful be done as expeditiously as possible.

8. Disposed of accordingly.

(ARUN MONGA)
JUDGE

October 31, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No