

139.

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

CWP-26464-2022

Date of Decision: 21.11.2022

MOHAMMAD RAFI

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Saqib Ali Khan, 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 an appropriate writ, order or direction including a writ in the nature of mandamus directing the respondents to count the service rendered by the petitioner on the post of Special Police Officer (SPO) as qualifying service for the purpose of pensionary/retiral benefits, as the same benefit has been granted by this Court in view of judgment passed in CWP No.2371 of 2010, titled as *Harbans Lal Versus State of Punjab and others*, decided on 31.08.2010 to similarly situated persons in CWP No.9936 of 2017 titled as *Sukhjeet Singh and others Versus State of Punjab and others*, decided on 15.02.2018 (Annexure P-6) and CWP No.7127 of 2019, titled as *Jarnail Singh and others Versus State of Punjab and others*, decided on 01.04.2019 (Annexure P-7).

At the very outset, counsel appearing on behalf of the petitioner would contend that in this regard, the petitioner has already served a legal notice dated 26.08.2022 (Annexure P-10), but till date, no decision has been taken thereon. Counsel would submit that at this stage, the petitioner would be satisfied in case his legal notice is decided in a time bound manner, in accordance with law.

Notice of motion.

On the asking of the Court, Ms. Deepali Puri, Additional Advocate General, Punjab, accepts notice on behalf of the respondents.

Let sufficient number of copies of complete paper book be supplied to her during the course of day.

Without commenting on merits of the case and keeping in view the limited prayer made by counsel for the petitioner, the present petition is disposed of with a direction to the respondents to decide legal notice dated 26.08.2022 (Annexure P-10) of the petitioner within a period of three months from the date of receipt of certified copy of this order, in accordance with law and convey the decision to the petitioner. In case of failure to do so, the officer responsible for the lapse 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.

(JAISHREE THAKUR)
JUDGE

21.11.2022
sanjeev

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No