

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

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CWP No.28308 of 2022

Date of Decision: 08.12.2022

Sunita Rani

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Pawan Kumar Goklaney, Advocate, for the petitioner.

VIKAS SURI, J. (Oral)

This petition has been preferred under Article 226/227 of the Constitution of India, seeking a writ in the nature of mandamus, directing the respondents to grant pension and other retiral benefits along with interest; the petitioner being fully covered under the Old Pension Scheme.

It is averred that the petitioner was initially appointed as a Chowkidar in the Water Supply and Sewerage Board, Punjab, on 17.07.1992 and her services were converted into work-charged on 17.07.1997. The services of the petitioner were transferred back and forth between the Municipal Council, Abohar and the Punjab Water Supply and Sewerage Board from time to time and on attaining the age of superannuation, she retired on 28.02.2021 while working with Municipal Council, Abohar.

Learned counsel for the petitioner contends that without any valid justification, the petitioner has not been extended the benefits under the Punjab Municipal Employees Pension and General Provident Fund Rules, 1994 despite being entitled to the same. It is further submitted that as per settled principle of law, the petitioner is entitled to grant of terminal benefits for which representation by way of legal notice claiming the same has also

been served on the respondents. Reference is also made to a legal notice dated 01.06.2022 (Annexure P-2) and legal notice dated 06.07.2022 (Annexure P-5).

Learned counsel submits that the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.4 to decide the claim made in the aforementioned legal notices by passing a speaking order.

Notice of motion to the limited extent.

Ms. Ambika Bedi, AAG, Punjab, accepts notice on behalf of respondent Nos.1 to 3 and waives service.

At the asking, Mr. Rajesh Mehta, Addl. Advocate General, Punjab, accepts notice on behalf of respondent Nos.4 and 5. Two sets of the complete paper-book be supplied to him during the course of the day.

Learned counsels for the respondents raise no objection for passing an appropriate order on the legal notices served by the petitioner in accordance with law, within the stipulated time.

Keeping in view the restricted prayer and the submissions noticed above, 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 legal notices, respondent No.4/Competent Authority is directed to consider and decide the claim made in the legal notice dated 01.06.2022 (Annexure P-2) and legal notice dated 06.07.2022 (Annexure P-5) as well as the claim for interest on delayed payment of arrears, 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 paid to her within a period of six weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

December 08, 2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No