

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CWP-29231-2022

Date of Decision :19.12.2022

Sona Devi

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bishan Dass Rana, Advocate for the petitioner.

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Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that the petitioner was working with the respondents since 1986 but her services were regularized by the respondents vide order dated 21.12.2005 and instead of granting benefits to the petitioner under the Old Pension Scheme, New Contributory Fund Scheme was made applicable upon her on the ground that she joined for the regular post on 11.01.2006 i.e after 01.01.2006 and also part time service, which the petitioner had rendered with the respondents since 1986 has not been taken into consideration as qualifying service.

Learned counsel for the petitioner submits that the petitioner is entitled for the benefit of qualifying service starting from the year 1986 till the date of her retirement and that too under the Old Pension Scheme, keeping in view the settled principle of law settled by the Division Bench of this Court in **CWP-2371-2010** titled as **Harbans Lal vs. State of Punjab and others** decided on 31.08.2010, which judgement has already attained

finality.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance before the respondents by way of serving a legal notice dated 21.09.2019 (Annexure P/11), which is still pending consideration with the respondents and the petitioner will be satisfied in case a time bound direction is issued to the respondent No.2 to decide the said legal notice.

Notice of motion.

Mr. Harish Nain, AAG, Haryana, who is present in the Court, accepts notice on behalf of respondent-State and raises no objection in deciding the legal notice dated 21.09.2019 (Annexure P/11) in a time bound manner by passing an appropriate speaking order.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner in her legal notice dated 21.09.2019 (Annexure P/11), respondent No.2 is directed to decide the legal notice dated 21.09.2019 (Annexure P/11) by passing a speaking order within a period of 08 weeks from the date of receipt of copy of this order.

Present writ petition stands disposed of.

December 19, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No