

CWP No.1331 of 2023 (O&M)

Date of decision : 23.01.2023

Onkar Jot Sidhu

..... Petitioner

versus

Punjabi University, Patiala

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Divij Dutt, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

The petitioner has preferred present petition under Article 226/227 of the Constitution of India seeking writ in the nature of Certiorari for setting aside the order dated 09.06.2022 (Annexure P-4) passed by the respondent whereby it has been decided not to count the adhoc service of the petitioner as Technical Assistant (Adhoc) from 27.05.2004 to 21.05.2012 for retiral/pensionary benefits being violative of law laid down by the Full Bench of this Court in ***Kesar Chand Vs. State of Punjab & ors.*** decided on 02.06.1998, AIR 1988 P&H 265.

Ld. Counsel for the petitioner at the outset contends that the representation dated 23.11.2022 filed at the behest of the petitioner is pending adjudication with the authorities and the same has been appended along with the present petition at Annexure P-5 and he limits his prayer for adjudication thereof in the light of the judgment rendered in ***Kesar Chand case (supra)***.

Notice of motion.

Mr. H.S.Batth, Advocate appears and accepts notice on behalf of the respondent-University and submits that he has no objection to the prayer made by counsel for the petitioner.

Without commenting on the merits of the case, the present petition is disposed off with a direction to the respondent to decide the representation dated 23.11.2022 (Annexure P-5) within 4 weeks from the date of receipt of certified copy of this order.

In case, the case of the petitioner is found to be covered by the judgment rendered by this Court in the case of '*Kesar Chand ibid*' and is found to be entitled for the arrears along with interest, the same be released within a period of 4 weeks thereafter.

However if the authorities find that the claim of the petitioners merits rejection, the same shall be rejected by passing a Speaking Order.

It is further clarified that in case, the claim of the petitioners merits acceptance and if the amount is not disbursed within the stipulated time frame, the same shall carry an interest @ 18% thereafter, which shall be recovered from the pocket of respondent No.2.

(PANKAJ JAIN)
JUDGE

23.01.2023

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No