

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

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**CWP-2212 of 2023
Date of Decision: 03.02.2023**

Sunita Devi @ Sunita Rani

.....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Arihant Goyal, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to count the services of the petitioner rendered by him towards the retiral benefits for the period he has served prior to 01.01.2004 and thereafter his services have been regularised after 01.01.2004.

He submitted that the case of the petitioner is covered by a judgment of this Court in **Harbans Lal versus State of Punjab and others** CWP-2371 of 2010, decided on 31.08.2010) which has been upheld by the Hon'ble Supreme Court in SLP (Civil) No. 23578 of 2012. He submitted that for the redressal of his grievances, he had issued a legal notice dated 01.07.2021 vide Annexure P-9, but no action has been taken in this regard. He submitted that his limited prayer for seeking a direction to the concerned competent authority for deciding the legal notice may be considered at this stage.

Notice of motion.

Ms. Ambika Bedi, learned AAG, Punjab accepts notice on behalf of respondents No. 1 to 3.

Ms. Deepali Puri, Advocate who is present in the Court accepts

notice on behalf of respondent No.4 and states that in view of the limited prayer of the petitioner for seeking a direction for deciding the legal notice, she has no objection in case a direction is issued to take into consideration the legal notice issued by the petitioner vide Annexure P-9 so that the same can be considered and decided in accordance with law.

In view of the aforesaid factual position and without observing anything on the merit of the case, this Court deems it fit and proper to dispose of the present petition at this stage. Consequently, the present petition is disposed of with a direction to respondent No.4 to consider and decide the legal notice Annexure P-9 issued by the petitioner on 01.07.2021 strictly in accordance with law within a period of four months from today.

Needless to say that in case after considering the aforesaid legal notice the competent authority/respondent No. 4 comes to the conclusion that the petitioner is entitled for the grant of benefit as prayed for then the same shall be released to her within a period of next three months after calculating the arrears and interest shall also be paid @6% per annum (simple). However, in case respondent No.4 is of the view that the petitioner is not entitled for relief claimed, then in that situation respondent No.4/competent authority shall pass a well-reasoned speaking order in this regard after considering the effect of aforesaid judgment and which shall be communicated to the petitioner by way of written communication/registered post as well.

The present petition is disposed of accordingly.

(JASGURPREET SINGH PURI)
JUDGE

February 03, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No