

CM-1107-CWP-2023 in/and CWP-14532-2001
2023:PHHC:119256 1
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101) **CM-1107-CWP-2023 in/and**
CWP-14532-2001
Date of Decision : September 12, 2023

Shri Niwas Bhardwaj **.. Petitioner**

Versus

The State of Haryana and others **.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ishnoor Singh, Advocate, for
Mr. Vikram Singh, Advocate, for the petitioner.

Mr. Pankaj Middha, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-1107-CWP-2023

Present application has been filed for fixing an actual date of hearing of the main writ petition.

Notice of the application to the counsel opposite.

Mr. Pankaj Middha, learned Addl. Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents and raises no objection for the grant of the prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and the main writ petition is taken up for hearing today.

CWP-14532-2001

1. In the present writ petition, the prayer of the petitioner is for the grant of benefit of the past Government service rendered by him, which benefit has been allowed in the favour of similarly situated employees.

2. Learned counsel for the petitioner submits that the said benefit is squarely covered by the settled principle of law. Learned counsel for the petitioner further submits that though the respondents have filed the reply to the writ petition but the claim being raised by the petitioner is on the basis of the settled principle of law settled by the Division Bench of this Court in ***CWP No.17030 of 1998 titled as Smt. Tripta Sharma vs. State of Haryana and others, decided on 02.05.2001***, which judgment has not been considered by the respondents so as to decide whether the petitioner is entitled for the grant of benefit claimed or not, hence, the petitioner intends to approach the respondents by citing settled principle of law raising a plea that the claim of the petitioner for counting the service of the petitioner as rendered in the Indira Gandhi National Open University is liable to be taken into account for the fixation of the pay and the grant of other pensionary benefits.

3. Learned counsel for the respondents submits that in case any representation is received from the petitioner, the same will be decided in accordance with law within a period of eight weeks from the receipt of any such representation and in case after the decision of the representation, the petitioner is found entitled for any benefit, the same will also be extended to the petitioner within a further period of four weeks.

4. Learned counsel for the petitioner submits that keeping in view the statement of learned counsel for the respondents, the present petition may kindly be disposed of having been not pressed any further with liberty

as prayed for.

5. Ordered accordingly.

September 12, 2023

(HARSIMRAN SINGH SETHI)
JUDGE

harsha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No