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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-4758-2023

Date of Decision: 10.03.2023

Kuldeep Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Sonia G. Singh, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to consider the case of the petitioner for grant of pension in view of the settled law in case of “**Harbans Lal Vs. State of Punjab and others**” (Annexure P-4) as the petitioner is working with the respondents since November, 2001 and his services have been regularized later vide order dated 18.11.2011 (Annexure P-2).

Learned counsel for the petitioner submitted that the petitioner is entitled for the counting of prior service when he was working as daily wager and thereafter he was regularized in the year 2011. She further submitted that the case of the petitioner is covered by the judgment passed by the Division Bench of this Court in ***CWP-2371-2010*** titled as “**Harbans Lal Vs. The State of Punjab and others**”, decided on 31.08.2010 (Annexure

P-4). She submitted that at this stage, she confines the scope of the present petition only to the extent of seeking a direction to respondent No.3 to consider and decide the legal notice (Annexure P-6) issued by the petitioner in accordance with law and within a time bound manner.

Notice of motion.

Ms. Ambika Bedi, learned AAG, Punjab accepts notice on behalf of respondent Nos.1 & 2.

At this stage, Mr. Rajbir Singh, Advocate for Mr. Vikram Preet Arora, Advocate has caused appearance and accepted notice on behalf of respondent No.3 and has stated that he has no objection in case a direction is issued to respondent No.3 for considering and deciding the legal notice issued by the petitioner vide Annexure P-6 in accordance with law and within a time framework.

In view of the aforesaid position and considering the limited prayer of the petitioner and without observing anything on the merits of the case, the present petition is disposed of with a direction to respondent No.3 to consider and decide the representation/legal notice issued by the petitioner vide Annexure P-6 dated 04.01.2023 strictly in accordance with law by passing a well-reasoned speaking order within a period of three months from today.

Needless to say that in case the petitioner is found to be entitled for any benefit as prayed by him, then the same shall be released to him along with interest @ 6% p.a. within a period of two months thereafter.

10.03.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |