

115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24319-2023

Date of decision: 30.10.2023

Raghubir Singh

.....Petitioner

V/s

Pepsu Road Transport Corporation, Patiala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Rohit Sapehiya, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to consider the claim of the petitioner for counting of qualifying service from the date of joining i.e. 23.10.1980 and accordingly the retiral benefits may be recalculated and release along with interest @ 18% and the pensionary benefits be revised accordingly and released which till date have not been considered despite the representation dated 19.07.2018 (Annexure P-3) and the legal notice dated 03.08.2018 (Annexure P-4) duly served upon the respondents.

Learned counsel for the petitioner contends that the petitioner was appointed as a DW/Labourer in the store of Pepsu Road Transport Corporation, Patiala, Head Office Patiala on 23.10.1980 and the service of the petitioner was regularized on 26.10.1993 and thereafter, he was promoted as a Gate Keeper. The petitioner was retired from service after attaining the age of superannuation on 31.12.2008. After the retirement, the service of the petitioner was counted towards qualifying service as 14 years 9 months 30 days w.e.f. 26.10.1993 and

whereas the petitioner joined the service on 23.10.1980 and CPF was started deducting w.e.f. 01.03.1987 and thus for granting the pensionary benefits the qualifying service was to be counted towards said benefit w.e.f. 23.10.1980. It is pertinent to mention here that the same benefit has been extended to the similar situated persons i.e. Pawan Kumar, Narang Singh and Charanjit Singh and the petitioner was arbitrarily, discriminated and victimized by not granting the said benefit, consequently after coming to know the verdict of this Court in Civil Writ Petition No.7796 of 2017 titled as Pawan Kumar and others Versus Pepsu Road Transport Corporation, Nabha vide order dated 15.02.2018, the petitioner made a detailed representation dated 19.07.2018 stating therein that while implementing the verdict of this Court the benefit of qualifying the service from the date of appointment was granted to similar situated persons namely Pawan Kumar, who was appointed as a Ward Attendent and the other similar situated persons. The said representation dated 19.07.2018 (Annexure P-3) was duly received by the respondent No.1 but despite the various efforts made by the petitioner no positive response has been given and the grievance of the petitioner has not been redressed. Thereafter the petitioner served a legal notice 03.08.2018 to the respondents, but till date the grievance of the petitioner is not redressed. Learned counsel further contends that petitioner would be satisfied if necessary directions are given for deciding the legal notice dated 03.08.2018 (Annexure P-4) in a time bound manner.

Learned counsel submits that advance copy was duly served upon the respondents vide E-mail dated 19.10.2023 but still no one has put in appearance on behalf of respondents. He also submits that respondent No.2 is the competent authority to decide the aforesaid legal notice.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice dated 03.08.2018 (Annexure P-4), respondent No.2 is directed to decide the legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitioner are found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to him within a period of 8 weeks thereafter.

The petition stands disposed of.

30.10.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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