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

CWP-19620-2023

Date of Decision: 09.10.2023

Nachhatar Singh and another

... Petitioners

V/s.

Punjab Mandi Board, Mohali

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. A. S. Pannu, Advocate
for the petitioners.

DEEPAK MANCHANDA, J.(Oral)

Through the instant petition the petitioners under Article 226/227 of the Constitution of India have prayed for issuance of writ in the nature of mandamus directing the respondents to give the benefit of Military Service rendered during the period of second national emergency for the purpose of qualifying service for pension/retiral benefits and thereafter refix the pension/retiral benefits and pay all arrears along with interest @12%.

Learned counsel for the petitioner submits that petitioner No. 1- Nachattar Singh joined the Military service on 17.06.1968 and retired on 17.05.1977. Thereafter he joined the service of Punjab Mandi Board on 29.10.1986 and retired from there on 30.06.2008. Petitioner No. 2-Jagjit Singh joined Air Force service on 09.11.1962 and was discharged on

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31.05.1986. Thereafter, he also joined the service of Punjab Mandi Board on 30.10.1986 and retired on 30.04.2002. It is contended that both the petitioners rendered their service during the second emergency and are entitled for benefit of the said service for the purpose of fixation of pension/retiral benefits. To this effect, both the petitioners submitted a detailed representation dated 07.12.2022, but the same is still pending consideration with respondents and the petitioner will be satisfied at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner since the same is squarely covered by the decision rendered in CWP-17661-2013 dated 13.11.2014 (Annexure P-4).

Notice of motion.

On the asking of the Court, Mr. Sanjeev Soni, Advocate, who is present in the Court accepts notice on behalf of the respondent and raised no objection in deciding the representation dated 07.12.2022 (Annexure P-3).

I have heard learned counsel for the parties and have gone through the record of the case.

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 petitioners in the representation dated 07.12.2022, the respondents are directed to decide the representation dated 07.12.2022 (P-3) by affording a personal hearing to the petitioners and then by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of

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this order with a further direction that if the petitioner is found to be entitled to the claim mentioned in the legal notice and if there is no legal impediment, necessary disbursement of funds shall be made to them within a period of eight weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

09.10.2023
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Whether speaking/reasoned	Yes
Whether Reportable	Yes /No