

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

120

CWP-15546-2023 (O&M)
Date of Decision:24.07.2023

Dr. Mrs. Sadhna Tyagi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jai Bhagwan, Advocate for the petitioner.

Mr. Pankaj Middha, Addl. A.G. Haryana.

HARSIMRAN SINGH SETHI J.(Oral)

1. Learned counsel for the petitioner argues that the total service of the petitioner has not been taken into account while fixing her pensionary benefits as only the benefits of service starting from 01.03.2003 has been given to her whereas no benefit has been granted to the petitioner for her prior service and that too without any valid justification.

2. Learned counsel for the petitioner further submits that as per settled principle of law if for any reason the provident fund has not been deducted for certain period of service, the same could be deposited at the time of retirement alongwith the interest so as to be taken into account for the said period of service for calculating the total length of service for computing the pensionary benefits, hence the action of the respondents in only giving the benefits of service from 01.03.2003 is totally arbitrary.

3. Learned counsel for the petitioner submits that for the said grievance, the petitioner has already served upon a legal notice dated 27.05.2023

(Annexure P-5) to respondent No.2 seeking the abovesaid relief and the same is pending consideration before the authorities concerned and the petitioner will be satisfied if a bound direction is given to respondent No.2 to decide the above legal notice by passing an appropriate speaking order.

4. Notice of motion to respondents No.1 and 2 only.
5. Mr. Pankaj Middha, Addl. A.G. Haryana, who is present in Court, accepts notice on behalf of State of Haryana-respondents No.1 and 2 and raises no objection for deciding the legal notice in a time bound manner.
6. Learned State counsel submits that in case the said legal notice dated 27.05.2023 (Annexure P-1) has not already been decided by respondent No.2 so far, the same will be considered and decided within a period of eight weeks from the receipt of certified copy of this order and in case after the decision of legal notice, any benefit accrues, the same will also be extended to the petitioner within a period of four weeks thereafter.
7. Keeping in view the statement made by the learned State counsel, learned counsel for the petitioner submits that the present petition may kindly be disposed of as having been not pressed any further.
8. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

24.07.2023

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