

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19518-2023
Date of decision: 07.11.2023

Joginder Singh and othersPetitioners

V/s

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Nitesh Singla, Advocate
for the petitioners.

DEEPAK MANCHANDA J. (ORAL)

The instant writ 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 grant the benefit of five years special addition to their qualifying service for pension under Rule 4.2-A of the Punjab Civil Services Rules Volume II, and direct the respondent-Department to revise the pension of petitioners accordingly and to grant financial benefit accruing therefrom including arrears of revised pension, gratuity etc along with interest @ 9% per annum and further directions to respondents to decide representations dated 24.05.2023 (Annexure P-4) and legal notice dated 12.06.2023 (Annexure P-5).

Learned counsel for the petitioners contends that the petitioners are the retired employees from respondent No.4/Nagar Council, Mansa and are getting pension as per service rules. As per Rule 4.2-A of the Punjab Civil

otherwise orthopedically handicapped or widow at the time of his entry into Government Service, shall be eligible to add to his service qualifying for superannuation pension a period of five years. Petitioners no. 1 & 2 belongs to handicapped category and petitioner No. 3 was widow at the time of entry into service, therefore, they are entitled to the benefit of five years special addition to their qualifying service for pension under Rule 4.2-A of the Punjab Civil Services Rules Volume II. The petitioners submitted representation dated 24.05.2023 (Annexure P-4) to respondent-department to grant the benefit of five years special addition to their qualifying service for pension under Rule 4.2-A of the Punjab Civil Services Rules Volume II, along with all consequential benefits including, revised pension, gratuity, leave encashment etc, but the same has not been decided by the respondent. The petitioners are relying upon the judgment dated 25.04.2022 passed by this Court in *CWP No.6287 of 2018* titled as *Kamaljit Vs State of Punjab & Others*" wherein similar situated employee has already been granted the same relief. Thereafter, the petitioners have served the legal notice dated 12.06.2023 (Annexure P-5) to the respondents, which has also not been taken into consideration till date and the petitioners would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

At this stage, on asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 to 3 and Mr. Sanjeev Soni, Advocate has put in a ppearance in Court accepts notice on behalf of respondent No.4 and they do not object to the prayer made by learned counsel for the petitioners.

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 legal notice dated 12.06.2023 (Annexure P-5), respondent No.4 is directed to decide the legal notice in accordance with law, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order.

The petition stands disposed of.

07.11.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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