

107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20443-2023
Date of decision: 15.09.2023

Sant Ram*Petitioner*

V/s

State of Punjab and others ...*Respondents*

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sunny Singla, Advocate
for the petitioner.

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 release the pension and other pensionary benefits including counting of entire service rendered by the petitioner and with a further prayer that that respondents may be directed to release the interest on the delayed payment of pension and other pensionary benefits from the due date @ 18% per annum.

Learned counsel for the petitioner contends that petitioner had joined the services in the office of the respondent No.3 on 26.07.1984. There was some internal agreement under the Government of Punjab, between Department of Local Government and the Punjab Water Supply and Sewerage Board. As per the agreement, the maintenance of Water Supply and Sewerage is to be done by the Municipal Councils and the staff working under Punjab Water Supply and Sewerage Board was sent back to Municipal Council. The grievance of the petitioner is that the primary service rendered by the petitioner at Punjab Water

Supply and Sewerage Board, Jagraon followed by Municipal Council, Jagraon has not been counted towards his pension and other retiral benefits and respondent authorities are not releasing the pension and other pension benefits to the petitioner by shifting liability on each other and forcing the petitioner to approach the authorities time and again without any reason. He was working on the regular post and various other similarly situated employees working in other districts/departments have already been given similar benefit of counting of service, whereas, the petitioner is being deprived the right of pension and other benefits including counting of service rendered by him towards his pensionary benefits payable by the Punjab Government/concerned department. The petitioner was retired on 30.06.2023 from Municipal Council, Jagraon. Learned counsel further submits that petitioner has served a legal notice dated 01.08.2023 (Annexure P-4) to respondents, which has not been taken into consideration till date and the petitioner 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 and 2 and Mr. Sanjeev Soni, Advocate who is also present in the Court, accepts notice on behalf of respondent No.3 and 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 petitioner in the legal notice dated 01.08.2023 (Annexure P-4), respondent No.3 is directed to decide the legal notice, by passing a speaking order within a period of 8 weeks

if the petitioner is 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.

15.09.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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