

119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21373-2023

Date of decision: 25.09.2023

Sukhdev Singh

.....Petitioner

V/s

Pepsu Road Transport Corporation, Patiala and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Vikas Chatrath, 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 respondent to release the benefit of revised pay/pension and pensionary benefits along with all consequential benefits, in terms of the rules/regulations governing his conditions of service along with interest @ 18% per annum and with a further prayer to issue writ in the nature of certiorari quashing the order dated 08.03.2018 (Annexure P-2) wherein the period when the petitioner stood dismissed and his reinstatement has been counted towards pay fixation, qualifying service for pension and pensionary benefits along with other consequential benefits including promotion, the same cannot sustain being against factual and legal position and more so, the order of punishment dated 08.03.2018 has not been prescribed in PRTC (Conditions of Appointment and Service Regulation), 1981 as amended upto 11.08.2010.

Learned counsel for the petitioner contends that the petitioner joined

Corporation as Conductor on 01.05.1980. He was dismissed from service without

appreciating factual and legal position vide order dated 16.11.2005. The said order was set aside in ***RSA-3771-2012*** titled ***Sukhdev Singh Conductor Vs. Pepsu Road Transport Corporation and others*** wherein, the order of dismissal was set aside and directions were issued to the Corporation to pass a fresh order. In compliance of order dated 08.11.2017 (Annexure P-1), Corporation passed an impugned order dated 08.03.2018(Annexure P-2) wherein, General Manager, PRTC Sangrur passed an order denying benefits for the period the petitioner had remained out of service. Petitioner has been paid CPF amounting to Rs.1,31,562/- on 10.07.2018, gratuity of Rs.2,79,238/- on 09.01.2020. The respondents have not taken into consideration his 12 years of service where he remained out of service on account of the dismissal order, which was eventually set aside. The total service rendered by the petitioner is 34 years 8 months and 30 days i.e. 01.05.1980 to 31.01.2015, however, the respondents have counted his qualifying service as 22 years 8 months and 30 days. The respondents have infact calculated his gratuity by taking into account his length of service as 22 years 8 months and 30 days whereas, he is entitled for the gratuity by taking into account his entire service since upon reinstatement, the employee is entitled for getting the service countable towards gratuity, pay and pension. The annual increments for the said period have not been given for the entire period he remained out of job. Learned counsel further contends that the petitioner has served legal notice dated 25.04.2022 (Annexure P-8) 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.

Mr. Manvender Singh, Advocate for Mr. Abhilaksh Gaiind, Advocate

filing *memo of appearance*, and does not object to the prayer made by learned counsel for the petitioner.

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 25.04.2022 (Annexure P-8), respondent No. 1 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.

25.09.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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