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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-26318-2022

Date of Decision: 31.01.2023

Sh. Charanjit Kumar and others

..... Petitioners

Versus

Pepsu Road Transport Corporation and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mukesh Arora, Advocate,
for the petitioners.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* for issuance of directions to the respondents to consider the petitioners for granting the Pension under Old Pension Scheme instead of New Restructured Pension Scheme since the petitioners were in service prior to 01.01.2004 and were appointed on daily wagers as labourers but thereafter, their services were regularized on 15.11.2008.

Learned counsel for the petitioners has submitted that the prayer of the petitioner for grant of Old Pension Scheme since their earlier service was required to be counted for the purpose of pensionary benefits and in this regard, the law has already been laid down by this Court in ***CWP-2371-2010*** titled as “***Harbans Lal Vs. The State of Punjab and others***”, decided on 31.08.2010. He further submitted that even the

petitioners had issued a legal notice to the respondent-Corporation vide Annexure P-3 dated 31.08.2022 but neither any reply has been filed by the respondent-Corporation nor any action has been taken in this regard, and therefore, at this stage their limited prayer for deciding the legal notice may be considered.

Notice of motion.

Mr. Mohit Uppal, Advocate for Mr. Abhilaksh Gaind, has caused appearance on behalf of the respondents-Corporation and has submitted that he has no objection in case the aforesaid limited prayer of the petitioners is considered and a direction may be issued to the respondents to consider the legal notice of the petitioners and decide the same in accordance with law.

I have heard the learned counsel for the parties.

In view of the aforesaid factual position and without observing anything on the merits of the case, this Court is of the view that at this stage the present writ petition is disposed of with a direction to the respondents to consider and decide the legal notice dated 31.08.2022 (Annexure P-3) filed by the petitioners strictly in accordance with law within a period of three months from today.

In case thereafter, the petitioners are found to be entitled for grant of benefit then needless to say that the amount on refixation of pay etc. shall be calculated and the necessary benefit shall be granted to the petitioner along with interest within a period of three months thereafter.

However, in case the respondents come to the conclusion that the petitioners are not entitled for the aforesaid benefits for any reason

whatsoever under the law then a well-reasoned speaking order shall be passed by the competent authority of the respondents-Corporation.

31.01.2023

(JASGURPREET SINGH PURI)

JUDGE

Bhumika

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No