

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

CWP--28245-2023 (O&M)
Decided on : 16.12.2023

Pushpa Devi

...Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Ms. Mamta Saini, Advocate for
Mr. Ravinder Malik (Ravi), Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the grievance of the petitioner is that despite the fact that the claim of the petitioner is covered by the judgment of Division Bench of this Court passed in CWP-2371-2010 titled as **'Harbans Lal v. State of Punjab and others**, decided on 31.10.2010, which has already attained the finality but, while deciding the claim of the petitioner for the grant of opting for GPF-Cum-Old Pension Scheme-No. 1.1.2004-1 pension (FD), the respondents have rejected the said claim and that too ignoring the settled principle of law as settled by the Division Bench of this Court in **Harbans Lal's case (supra)**.

2. Notice of motion.

3. Mr. Pankaj Middha, Additional Advocate General, Haryana, accepts notice on behalf of respondents-department and on instructions from Mr. Anil Kumar Walia, Chief Architect, Department of Architecture, Haryana, Chandigarh submits that the impugned order dated 28.11.2023 (Annexure P-14) may kindly be treated as withdrawn qua the petitioner with liberty to pass a fresh order by considering all the correct facts as well as judgment in **Harbans Lal's case (supra)**, as noticed in the present writ

petition, within a period of **eight weeks** of the receipt of certified copy of this order.

4. Learned counsel for the petitioner submits that keeping in view the statement of learned counsel for the respondents, the present writ petition may kindly be disposed of having been not pressed any further.

5. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

16.12.2023

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Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: ~~Yes~~/No