

2024:PHHC:018436

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CWP-2902-2024 (O&M)
Date of decision: 09.02.2024

Rakesh Kumar

.....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. SK Rattan, Advocate for the petitioner

AMAN CHAUDHARY. J.

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or directions in the nature of certiorari quashing clause 16 of impugned appointment letter dated 18.07.2008, Annexure P1.
2. Learned counsel would contend that the period of previous service rendered in Government aided school is not being considered as qualifying for the purpose of benefit under the Old Government Pension Scheme. He relies on the judgment passed by the Division Bench in **Harbans Lal vs. The State of Punjab and Others**, 2012(3) S.C.T. 362, wherein this issue already stands decided, SLP dismissed and judgment implemented and also to **Municipal Council, Radian vs. Musthaq Masih and Others**, LPA-666-2022, whereby a batch of appeals were disposed of on 21.12.2023 by the Division Bench in terms of the judgment in **Harbans Lal** (supra). He further places reliance upon **Shalinder Thakur vs. State of Punjab**, CWP-5396-2019, involving a similarly situated employee, which was disposed of by relying upon the judgment passed in **Harbans Lal** (supra) and **Jasvinder Singh vs. State of Punjab and others**, CWP-5532-2015, and a speaking order dated 13.04.2020, Annexure P-8 was passed, accepting his claim of being

was got served upon the respondents by the petitioner, which was though decided but without taking into consideration the aforesaid speaking order. Thereafter, a reminder dated 06.03.2023, Annexure P-12 was sent to the respondents, with a specific averment made in para 8 therein, bringing to their notice, the fact of other similarly situated employees having been granted relief, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the same in a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.
4. At the asking of the Court, Mr. Charanpreet Singh, AAG, Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.
5. In view of the above and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider the reminder dated 06.03.2023, Annexure P-12 and decide the same, taking note of the judgments referred to, by the petitioner, within a period of 2 months and if found entitled, necessary benefit be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner therewith.

(AMAN CHAUDHARY)
JUDGE

09.02.2024
ashok

Whether speaking/reasoned

Whether reportable

:

:

Yes / No

Yes / No