

2024:PHHC:020797

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

126

CWP-3250-2024 (O&M)
Date of decision: 14.02.2024

Pritam Chand

Versus

State of Punjab and Another

....Petitioner

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Umesh Aggarwal, 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 in the nature of mandamus directing the respondent No.2 to allow the petitioner to adopt/exercise the legal right for the 'Pension Scheme' and benefits.
2. Learned counsel would submit that the option to exercise the legal right for the pension scheme was not got noted from the petitioner, thus, he being unaware of it, could not opt for it. In this regard, a representation dated 03.10.2023, Annexure P-3, has been submitted by him, 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 as also Mr. M.K. Dogra, Advocate accepts notice on behalf of respondent No.2 and have no objection to

the limited prayer made.

5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider the representation dated 03.10.2023, Annexure P-3 and decide the same within a period of 2 months and if found favour with, an opportunity to give option 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

14.02.2024
M.Kamra

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