

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-5221-2020 (O&M)

Date of decision: 15.02.2024

Capt. Surinderpal Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Puran Chand Arora, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

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 certiorari for quashing the impugned order dated 05.09.2019 (Annexure P1).

2. Learned counsel for the petitioner submits that the military service rendered by the petitioner for 10 years has not been counted towards the pension in the civil service and the said claim has been rejected without referring to provision of Rule 4.3 of Punjab Civil Services Rule, Vol.II. He also relies on the judgment passed by this Court in **Dharam Pal vs. Union of India and another**, CWP-16132-2011, decided on 09.01.20218 (Annexure P7), wherein this very issue already stands decided. He prays that liberty be granted to him to bring to the notice of the authorities all these facts, for which he would file a representation/legal notice within four weeks. 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. Learned State counsel has no objection to the limited prayer made.

In view of the aforesaid and without commenting upon the merits of

the case, this petition is hereby disposed of with a direction that in case the petitioner submits a representation/legal notice within a period of four weeks, the same shall be considered by the respondents and decided by taking note of the aforesaid Rule as also the judgment referred, by the petitioner, within a period of 6 months and if found entitled, necessary benefit be granted to him forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner.

15.02.2024
ashok

(AMAN CHAUDHARY)
JUDGE

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