

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

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CWP-5758-2024

Date of decision: 12.03.2024

Ruldu Ram

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Amrik Singh, Advocate for the petitioner.

AMAN CHAUDHARY. J.

1. The prayer in the present Civil Writ Petition filed under Articles 226/227 of the Constitution of India, is to issue a writ in the nature of certiorari, for quashing the conditions incorporated in the order dated 11.12.2014, Annexure P-3.

2. Learned counsel would submit that the petitioner is working in the Education Department on part time basis as a Sweeper since 11.11.1991 and his services were regularized vide order dated 11.12.2014. However, his services had not been counted for the purpose of old pension scheme prevalent prior to 01.01.2004. He relies on the judgments of this Court in **CWP-2371-2010** titled as Harbans Lal vs. State of Punjab and others, decided on 31.08.2010, Annexure P-7 and **CWP-10238-2017** titled as Jeewan Lata vs. State of Punjab and others decided on 10.05.2019, Annexure P-8, which was also a case of part time sweeper and was allowed by this Court. In this regard, a legal notice dated 06.09.2022, Annexure P-9, has been served upon the respondents, 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. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of the respondent-State and has 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 the respondents to consider the legal notice dated 06.09.2022, Annexure P-9 and decide the same taking note of the aforesaid judgments within a period of six 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 therewith.

(AMAN CHAUDHARY)
JUDGE

12.03.2024
Hemant

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