

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-5925-2024 (O&M)
Date of decision: 13.03.2024

Vinod Kumar

....Petitioner

Versus

Principal Secretary, Government of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Puneet Jindal, Sr. Advocate with
Mr. A.S. Chugh, 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 respondents to treat the petitioner as regular employee and accordingly to release the full pension and other retiral benefits.

2. Learned Senior counsel submits that the petitioner had rendered more than 22 years of service as Line Superintendent (adhoc), having been appointed through Employment Exchange, after conducting interview by the Departmental Selection Board on 08.02.1993, Annexure P-1. Despite the fact that services of those who were appointed along with the petitioner, have been regularised, but he was left out even when there was a recommendation in his favour as well vide letter dated 02.12.2005, Annexure P-7. However, instead of treating him at parity with them, he was verbally made to retire to 31.10.2023. Reliance is placed on the judgments passed by this Court in **Kewal Singh vs. State of Punjab** in CWP-4867-2000 decided on 05.09.2002 and **Indu Bala vs. State of Haryana** in CWP-866-2015, decided on 13.01.2017. Be that as it may, the petitioner is otherwise also entitled to grant of pension, even if the services were not regularized, in terms

of the law laid down by Hon’ble the Supreme Court in **State of Gujarat and Others vs. Talsibhai Dhanjibhai Patel**, 2022(1) S.C.T. 749. In this regard, a representation dated 12.09.2023, Annexure P-10, 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. Gagneshwar Walia, Addl. AG, 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 respondents to consider and decide the representation dated 12.09.2023, Annexure P-10, taking note of the aforesaid submissions as also the judgments as referred to above, within a period of 4 months and if found entitled, necessary benefits be granted to the petitioner forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.

(AMAN CHAUDHARY)
JUDGE

13.03.2024
M.Kamra

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