

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

122

CWP-6199-2024 (O&M)
Date of decision: 15.03.2024

Naresh Kumar

....Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Amarjit Kaur, 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 for directing the respondent No.2 to refix the pension of petitioner w.e.f. 04.06.1996 considering the entire service as qualifying service.

2. Learned counsel would contend that the service rendered by the petitioner from 1996 till 2001, when he was regularised, has not been taken into consideration towards qualifying service for pension, despite the fact that his case is covered by the judgment in the case of **Harbans Lal vs. State of Punjab and others**, 2012(3) SCT 362 and **Pardip Singh Kaleka and Another vs. State of Punjab and Another** in CWP-18927-2017, decided on 05.07.2019, for release the pension by counting the service from 1996 instead of 2006. In this regard, a legal notice dated 06.06.2022, Annexure P-6, has been served upon respondents, which has yet not evoked any response. He thus, at this stage, on instructions from the petitioner, who is present in person, submits that he 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. Satnam Preet Singh, 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 respondents to consider and decide the legal notice dated 06.06.2022, Annexure P-6, taking note of the judgments referred to above as also the pleas raised within a period of 4 months and if found entitled, necessary benefits be granted to the petitioner forthwith.

(AMAN CHAUDHARY)
JUDGE

15.03.2024
M.Kamra

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