



CWP-16299-2024

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

CWP-16299-2024

Date of Decision: 23.08.2024

Pawan Kumar Goyal and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Singal, Advocate
for the petitioners.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a suitable writ, order or direction especially in the nature of *mandamus* directing the respondents No.1 & 2 to include the petitioners in the old pension scheme mentioned under the Punjab Civil Services Rules Vol-II (as applicable to Haryana) now contained in the Haryana Civil Services (Pension) Rules, 2016 as per the policy decision of the Government of Haryana notified vide Office Memorandum dated 08.05.2023 (Annexure P-2) with all consequential benefits that flows therefrom.

2. Learned counsel for the petitioners submitted that the petitioners had applied for the post of Assistant Receptionist in the respondent-Department against the advertisement dated 09.09.2005

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(Annexure P-1) and they were appointed through the proper procedure prescribed under the Service Rules. The grievance of the petitioners is that they were appointed against vacancy notified/advertised prior to 28.10.2005 i.e. prior to the date of implementation of New Pension Scheme and therefore, they are fully eligible to be covered under the Old Pension Scheme as per the aforesaid Office Memorandum dated 08.05.2023 issued by Government of Haryana, Department of Finance but they have not been granted the benefit of Old Pension Scheme. Aggrieved by the action of the respondents, the petitioners issued a legal notice dated 21.05.2024 to the respondent-Department, however, no action has been taken till date. He submitted that at this stage, the petitioners will be satisfied in case the aforesaid legal notice issued vide Annexure P-7 is directed to be decided by passing a speaking order in accordance with law and in a time bound manner.

3. Notice of motion.

4. On the asking of the Court, Ms. Rajni Gupta, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents and stated that she has no objection, in case, a direction is issued to the respondents for considering and deciding the aforesaid legal notice issued by the petitioners vide Annexure P-7 in accordance with law and within a time framework.

5. In view of the aforesaid position, without calling for the reply from the respondents and without observing anything on the merits of the case, the present petition is disposed of with a direction to the respondents to



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consider and decide the legal notice issued by the petitioners vide Annexure P-7 dated 21.05.2024 strictly in accordance with law by passing a well-reasoned speaking order within a period of three months from today.

23.08.2024

(JASGURPREET SINGH PURI)

JUDGE

Bhumika

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No