



CWP-17805-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115)

CWP-17805-2024

Date of Decision : July 31, 2024

Rajinder Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasbir Singh Mohri, Advocate, for the petitioner.

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Learned counsel for the petitioner submits that the petitioner has two fold grievances. One, that his part time service rendered prior to the regularization of his services, has not been taken into account for the purpose of grant of pensionary benefits, which is contrary to the judgment of this Court in ***CWP No.10238 of 2017 titled as Jeewan Lata vs. State of Punjab and others, decided on 10.05.2019*** and the second grievance of the petitioner is that once on 01.01.2004 the petitioner was in service, the petitioner is entitled for pensionary benefits under the Old Pension Scheme keeping in view the judgment of the Division Bench of this Court in ***CWP No.2371 of 2010 titled as Harbans Lal vs. State of Punjab and others, decided on 31.08.2010***, which judgment has already attained finality in the

Hon'ble Supreme Court of India.



2. Learned counsel for the petitioner further submits that keeping in view the said settled principle of law, the respondents are liable to be directed to grant the petitioner the pensionary benefits under the Old Pension Scheme by taking into consideration the total length of service rendered by the petitioner including part time service.

3. Learned counsel for the petitioner further submits that the grievance raised in the present petition has already been raised by the petitioner in the representation dated 18.10.2023 (Annexure P-9) which is still pending consideration with the respondents and the petitioner will be satisfied at this stage in case a time bound direction is issued to the respondents to decide the said representation by passing an appropriate speaking order.

4. Notice of motion.

5. Mr. Swapan Shorey, learned Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondents.

6. Learned counsel for the respondents submits that in case the representation dated 18.10.2023 (Annexure P-9) has been received in the office of the concerned authorities and the same is still pending consideration with the authorities concerned, the same will be decided by the competent authority within a period of eight weeks from the date of the receipt of certified copy of this order by passing an appropriate speaking order and in case, after the decision any relief is to be extended to the petitioner, the same will be extended, otherwise due reasons will be mentioned in the speaking order to be passed for not accepting the claim of the petitioner for his information and necessary action.

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7. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present writ petition may kindly be disposed of having been not pressed any further.

8. Ordered accordingly.

July 31, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No