



CWP-19304-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(117)

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Date of Decision : August 12, 2024

Gurjeet Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anish Batra, Advocate, for the petitioner.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that he had joined the Department on 30.04.1996 and he continued working when his services were regularized on 04.01.2000 but the petitioner is not being given two benefits.

2. Learned counsel for the petitioner submits that first benefit not extended to the petitioner is that the petitioner is to be treated 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* and secondly that his total service from the date of initial appointment is to be taken as a qualifying service for computing the pensionary benefits keeping in view the judgment of the Full



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Bench of this Court in '*Kesar Chand Vs. State of Punjab and others*', AIR 1988 Punjab 265 hence, the respondents are liable to be directed to grant the petitioner these two benefits upon his retirement.

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 legal notice dated 28.05.2024 (Annexure P-8) 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 legal notice by passing an appropriate speaking order.

4. Notice of motion.

5. Mr. Arun Gupta, 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 legal notice dated 28.05.2024 (Annexure P-8) 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.

7. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present writ petition may kindly

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be disposed of having been not pressed any further.

8. Ordered accordingly.

August 12, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No