



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP No. 22994 of 2024
Date of Decision : 11.09.2024

Harmesh Kumar

...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. Satnam Preet Singh, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that petitioner joined the respondent-department on 23.02.1996 and though his services were regularized in the year 2003 vide order dated 16.09.2003 (Annexure P-3) but, the petitioner is not being given the benefit of the service which the petitioner had rendered with the department of Technical Education from 23.02.1996, which act of the respondents is arbitrary and illegal.
2. Learned counsel for the petitioner submits that the total service rendered with the State of Punjab needs to be counted as a qualifying service keeping in view the judgment of Full Bench of this Court in CWP No. 2864 of 1983 titled as *Kesar Chand Vs. State of Punjab through The Secretary, P.W.D.B. & R. Chandigarh and others*, decided on 02.06.1988, hence, respondents are liable to be directed to recalculate the qualifying service of the petitioner so as to grant the petitioner the pensionary benefits.
3. Learned counsel for the petitioner submits that the petitioner has already raised the said grievance in the legal notice dated 12.06.2024 (Annexure



P-9) but the same is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

4. Notice of motion.
5. On the asking of the Court, Mr. Satnam Preet Singh, Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and submits that in case, the legal notice dated 12.06.2024 (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. Learned counsel further submits that in case, it is found feasible to accept the claim of the petitioner, the same will be accepted, otherwise due reasons will be mentioned for not accepting the claim of the petitioner in the speaking order to be passed and the said order will be duly conveyed to the petitioner.
6. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further.
7. Ordered accordingly.

September 11, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No