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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-13477-2025****Date of Decision : 12-05-2025****KHAZAN SINGH****.....Petitioner****VERSUS****STATE OF PUNJAB AND OTHERS****.....Respondent(s)****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. P.S. Khurana, Advocate and
Mr. Gurvinder Pal Singh, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Learned counsel for the petitioner argues that once, the petitioner was to be given appointment on compassionate grounds keeping in view the death of his father on 11.10.2000 and his claim for compassionate appointment had already been approved by the competent authorities in 2001 merely that the actual appointment letter was issued on 28.06.2004, the right of the petitioner to be governed under the Old Pension Scheme cannot be taken away.

2. Learned counsel for the petitioner submits that once, the approval of claim for the appointment on compassionate ground prior to 01.01.2004 and the issuance of appointment order was only a process forwarded after the approval by the competent authority hence, the petitioner has to be treated as under Old Pension Scheme and not under New Pension Scheme hence, the respondents are liable to be directed to grant the said benefit to the petitioner under the Old Pension Scheme.

3. Learned counsel for the petitioner submits that the grievance being raised by the petitioner has already been raised in the legal notice

dated 20.06.2024, copy of which has been appended as 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. T.P.S Chawla, Sr. DAG Punjab accepts notice on behalf of the respondent-State and submits that in case, the legal notice dated 20.06.2024 (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 counsel for the respondent-State, the present petition may kindly be disposed of having been not pressed any further.

7. Ordered accordingly.

12-05-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO