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## IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2087 of 2013
Date of decision:31.01.2013

Sher Singh

..... Petitioner

Vs.

State of Haryana & others

..... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Rakesh Nagpal, Advocate for the petitioner.

....

Tejinder Singh Dhindsa, J. (Oral)

The petitioner was appointed as a Special Driver in the State Transport Department on 30.07.1998 on contractual basis. Such contract of service was renewed from time to time. The petitioner retired on 17.03.2012 upon attaining the age of superannuation without being confirmed in service.

The instant writ petition has been filed praying for the issuance of a writ in the nature of mandamus for directing the respondents to grant pension to the petitioner on pro-rata basis from the date of his retirement along with arrears.

Counsel for the petitioner would place reliance upon Rule 3.17 (A) of the Punjab Civil Services Rules (as applicable in the State of Haryana) and would make a pointed reference to Rule 3.17 (A) (f) to contend that even such employees retiring from government service

without confirmation (as temporary employees) in any post or on after 05.02.1969 would be entitled to invalid/retiring/superannuation pension and death-cum-retirement gratuity on the same basis as admissible to permanent employees.

Without making any observations as regards the merit of the submissions raised by the learned counsel, I deem it appropriate to dispose of the present writ petition with a direction to respondent No.2 i.e. the Director General Transport, Haryana to consider the claim of the petitioner and to take a final decision on the legal notice dated 20.09.2012 (Annexure P-3) strictly in accordance with law and and in terms of passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Disposed of.

January 31, 2013

harjeet

(TEJINDER SINGH DHINDSA) JUDGE