

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Sr. No.126

CWP-14726-2023

Date of Decision: 14.07.2023

Suraksha Kapoor and another

.... Petitioners

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Shivam Malik, Advocate for the petitioners.

Mr. Sanjeev Kaushik, Addl. A.G.Haryana.

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**TRIBHUVAN DAHIYA, J. (ORAL)**

This petition has been filed seeking direction to the respondents to count the period of probation in service from 16.04.1984 to 31.03.1988 in case of petitioner No.1, and from 16.09.1980 to 31.03.1984 in case of petitioner No.2, for which share of Contributory Provident Fund (CPF) was not deducted by the respondents, as qualifying service for pension. The petitioners retired from service on 28.02.2011 and 30.11.2004 respectively.

2. It is contended by learned counsel for the petitioners that a legal notice dated 06.01.2023 (Annexure P-16) submitted by the petitioners seeking the benefit claimed in the petition, is still pending with the respondents. It is further contended that similarly placed employee earlier approached this Court by filing a writ petition bearing CWP No.5042 of 2022 titled *Prem Nath v. State of Haryana and others*, which was disposed of vide order dated 14.03.2022 (Annexure P-15) directing the respondents to take appropriate decision on the issue. By considering the claim of the petitioner therein, similar benefit of counting the past service as qualifying service for pension, has been granted to him. It is, therefore, submitted that

pending legal notice dated 06.01.2023 of the petitioners may also be decided by the respondents keeping in view the decision taken by them in *Prem Nath* case (*supra*).

3. Learned State counsel, appearing on advance notice, submits that the petitioners' legal notice dated 06.01.2023 will be decided by the respondents expeditiously keeping in view the earlier decision taken by them in the case of similarly placed employee Prem Nath.

4. In view thereof, the petition is disposed of by directing respondent No.2 to pass a speaking order on the legal notice dated 06.01.2023, and release due benefits to the petitioners, if found entitled to, within a period of eight weeks from receipt of a certified copy of this order.

**(TRIBHUVAN DAHIYA)**  
**JUDGE**

14.07.2023

Maninder

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No