

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

CWP-27920-2013 (O&M)
Date of decision : 23.07.2015

Dhani Ram

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. K.L. Dhingra. Advocate,
for the petitioner.

Mr. P.S. Poonia, Advocate,
for the respondents.

JITENDRA CHAUHAN, J.

This is a petition under Articles 226/227 of the Constitution of India, filed by the petitioner for issuance of directions to the respondents to release the DCRG, Commutation of Pension and full pension, arrears etc, along with interest. It is further prayed that the daily-wage and work-charge service rendered by the petitioner from 1984 till 1989 be also counted towards pensionary benefits.

The learned counsel for the petitioner submits that the entire gratuity along with commutation of pension was withheld by the respondents allegedly in view of charge sheet No.Ch-13/KPT-9283 dated 09.09.2011; charge sheet No.Ch-11/KPT-9273 dated 08.08.2011 and show-cause notice bearing SCN No.Ch-80/KPT-9177 dated

03.03.2012. Further informs that the competent authority, vide separate orders dated 28.11.2014, 03.03.2015 and 10.04.2015, has dropped the charge sheets and the show cause notice. One such office order No.367/Vol-VII dated 28.11.2014, reads thus:-

“Having considered the reply submitted by Sh. Dhani Ram, LM (Retired on 31.10.2012) against the Show Cause Notice served upon him bearing SCN No.Ch-80/KPT-9177 dated 30.03.2012 is hereby dropped in the light of comments submitted by XEN 'OP' Division Guhla with immediate effect.

Accordingly the SCN issued to Sh. Dhani Ram, LM (Retd.) is hereby dropped.”

This factual aspect of the matter is not being disputed by the learned counsel for the respondents.

Keeping in view the fact that the chargesheets and the show cause notice, allegedly on the basis of which, the payment of gratuity and commutation of pension had been withheld stand withdrawn, the authorities are directed to release the abovesaid retiral benefits to the petitioner within eight weeks from the date of receipt of a certified copy of this order.

As regards counting of work-charge and daily-wage service rendered by the petitioner towards pensionary benefits is concerned, the law is now well settled. A Division Bench of this Court in *Hari*

Chand Vs. Bhakra Beas Management Board and others, 2005(2) R.S.J 373, has laid down that the service rendered as a daily wager will be counted towards qualifying service for pensionary benefits.

Accordingly, the respondents are directed to count the service rendered by the petitioner on work-charge/daily wage basis for the purposes of pension and pensionary benefits.

At this stage, the learned counsel for the petitioner submits that he is also entitled to interest on the delayed payment.

In the circumstances, the respondents will also consider the case of the petitioner with regard to interest on the delayed payment in view of the instructions dated 20.02.2002 (Annexure P-5).

Allowed.

23.07.2015
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(JITENDRA CHAUHAN)
JUDGE

Note : Whether to be referred to Reporter : Yes