

C.M.No. 750 of 2016 &
C.M. No.3642 of 2015 in/and
C.W.P No. 1687 of 1987

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

C.M.No. 750 of 2016 &
C.M. No.3642 of 2015 in/and
C.W.P No. 1687 of 1987
Date of decision : 08.04.2016

Sat Parkash Puri

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashok Gupta, Advocate,
for the applicant-petitioner.

Mr. Hitesh Pandit, Addl. A.G. Haryana

RITU BAHRI, J. (Oral)

C.M. No. 750 of 2016

Heard.

For the reasons mentioned therein, the application is allowed.
The delay of 2460 days in filing the recalling application is condoned.

C.M. No. 3642 of 2015

After hearing the learned counsel for the parties, going through the record the facts, to my mind, there are sufficient grounds to restore the instant petition. Consequently, the application is allowed. The order dated 18.07.2008 is recalled and the main petition is ordered to be restored to its original number and is taken on today's Board, as prayed for.

CM stands disposed of.

CWP No. 1687 of 1987

Learned counsel for the parties heard on merits.

As per the facts stated in the amended writ petition, the petitioner has joined the respondent(s) as a daily wager in the year 1960 and was converted as Work-charged staff on 7.12.1976 and was assigned the designation of Foreman Special in the pay scale of ₹300-600. The petitioner was retired from service on 1.6.1985 and thereafter he died on 27.4.1987.

The respondent(s) filed the written statement filed to the amended writ petition and denied that the petitioner was appointed as daily wager in the year 1960. As per the entry in the service book, fresh appointment of petitioner was made in work charged capacity as foreman special on 7.12.1976 (Annexure R-IV). Thereafter, his services were regularized on 28.11.1983 and he was retired on 31.5.1985.

The total service of the petitioner from 1976 to 1985 comes to eight years, five months and 24 days. The total service to the credit of petitioner is less than 10 years and does not qualify for pension under Rule 6.16(2) of CSR Vol-II. The total service is taken into till the date of retirement i.e. 31.5.1985. If the dispute with regard to his date of death even then he is not entitled to qualify 10 years of service to enable to get the pension. No replication has been filed by the petitioner to the written statement.

In view of the above, the present writ petition has no merit and the same is hereby dismissed as such.

April 08, 2016
naresh.k

(RITU BAHRI)
JUDGE