

**Sr. No. 215
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.19077 of 2013 (O&M)
Date of Decision: 20.09.2016**

Jeet Singh Pahal

... Petitioner

Versus

H.S.E.B. Panchkula and others

... Respondents

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

Present:- Mr. S.S.Rana, Advocate,
for the petitioner.

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

TEJINDER SINGH DHINDSA, J. (ORAL)

CM No.13053 of 2015

Application is allowed as prayed for.

Replication is taken on record.

Application disposed of.

Main Case

Pleadings on record would indicate that the petitioner had joined the erstwhile Haryana State Electricity Board as a Helper/T-Mate on 13.03.1972 on work charge basis. He continued as such up to 14.01.1986 when his services were regularized. Petitioner retired on 31.12.2004 upon attaining the age of superannuation i.e. 58 years.

The instant petition was instituted in the year 2013 assailing the order dated 23.12.2010 at Annexure P-9 and in terms of which the claim of the petitioner for the service rendered on work charge basis to count for seniority and other service benefits has been declined.

On 16.09.2013 while issuing notice of motion, the following order was passed by this Court:

“I have heard the learned counsel for the petitioner at length and gone through all the documents.

The grievance of the petitioner that he is entitled to seniority and promotion at par with his juniors does not seem to be reasonable on account of the detailed order passed Annexure P-9 dated 23.12.2010.

But so far as the claim of the petitioner that he is entitled to get his services on ad hoc basis counted towards his length of service for pensionary benefits, the order Annexure P-9 seems to be silent about it.

Notice of motion to the respondents only to the extent for determining whether ad hoc service of the petitioner has been counted towards his length of service for the purpose of pensionary benefits, for 25.02.2014.”

Clearly in terms of the notice of motion order, the scope of the instant petition has been confined to the issue as to whether the work charge service rendered by the petitioner is to count towards his total length of service for computing his pensionary benefits.

In response to the petition, a joint written statement on behalf of respondents No.1 to 4 has been filed and placed on record.

The categorical stand taken in para 27 of the written statement is to the effect that the work charge service rendered by the petitioner has been counted for grant of pensionary benefits. It would be useful to reproduce para 27 of the reply hereunder:

“The contents of the para No.27 of the writ petition are wrong and hence vehemently denied. In reply thereto it is submitted that it is completely wrong that the work charge service rendered by the petitioner has not been counted for pensionary benefits. As a matter of record the petitioner is being paid pension on the basis of counting of the additional period of services on work charge basis. It is also completely wrong that the petitioner was denied his claim for approaching this Hon'ble Court. In fact the petitioner has concealed the material facts from this Hon'ble Court that earlier vide order dated 22.12.1997 in CWP No.2323/1983 this Hon'ble Court was pleased to hold that the petitioner was not entitled to the salary of promotional post of Pump Driver as he has not worked as Pump Driver and was pleased to set aside the labour Court award dated 01.09.1982. The true photocopy of the order dated 22.12.1997 is attached herewith as Annexure R-4/2. The petitioner has also concealed this fact that the respondent Nigam has already counted the work charge service period rendered by the petitioner for the purpose of pensionary benefits and pension which is evident from the office memo no.2030 dated 02.09.1994 and form or assessment duly signed by AO/Pay, Thermal HPGCL, Faridabad. The true photocopy of the office memo dated 02.09.1994 and form of assessment are attached herewith as Annexure R-4/3 and R-4/4 respectively and the true photocopy of the revised PPO No.880 dated 06.10.2005 is attached herewith as Annexure R-4/5.”

Even a replication has been preferred by the petitioner to the written statement filed on behalf of respondents No.1 to 4. In the replication, it has not been controverted that pensionary benefits by counting the work charge service rendered by him from the year 1972 to 1986 have not been counted.

In this view of the matter, nothing survives in the petition and no further directions are required to be passed.

Petition disposed of.

20.09.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

√
Yes/No

Whether Reportable

√
Yes/No