

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

CWP No. 16271 of 2016
Date of decision: 11.08.2016

Smt. Bala Devi

....Petitioner(s)

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Naveen Daryal, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the benefit of the daily wage service and work charge service to be counted as qualifying service for the purposes of pensionary benefits w.e.f. 20.02.1977 to 20.05.1989. The family pensionary benefits and all consequential benefits alongwith interest has accordingly been claimed.

It is the pleaded case of the petitioner that the husband of the petitioner had joined the respondent-department on 20.02.1977 and had worked as daily wager and on work charge basis till he was brought in regular establishment on 30.05.1989. He unfortunately expired on 10.02.2011 and the petitioner thereafter made request for counting his daily wage service, as mentioned above, for the purpose of pensionary benefits vide representation dated 25.03.2013 (Annexure P-5). Thereafter, legal notice dated 27.04.2014 (Annexure P-7) was also served upon the respondents for the necessary relief but of no avail.

Counsel for the petitioner submits that in similar circumstances,

direction was issued by this Court in CWP No. 22127 of 2013, Ishwar Singh vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others on 05.10.2013 (Annexure P-6) that the legal issue already stood settled and unnecessarily the retired employees were being forced to approach this Court. Accordingly, direction had been issued to the Managing Director to consider the legal notice within a specified period and it was further observed that in case the claim was rejected and it was ultimately allowed by the Court, costs of ₹1,00,000/- would be imposed.

Accordingly, keeping in view the fact that the legal notice of the petitioner dated 27.04.2014 (Annexure P-7) has still not been decided though a period more than 2 years has expired, the necessary directions are issued in the same terms, as have been issued in *Ishwar Singh's case* (*supra*). The same be done within a period of one month from the date of receipt of certified copy of the order.

With the above said observations, the writ petition stands disposed of.

11.08.2016
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No