

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

Civil Writ Petition No.24052 of 2015 (O&M)

Date of decision: 4.4.2016

Harpal Singh

... Petitioner

Versus

Punjab State Power Corporation Limited and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Rajesh Kumar, Advocate, for
Mr.Shailendra Sharma, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The respondent corporation is not present despite service of notice on the petition. Notice of motion was issued on 17.11.2015. Reply has not been filed. The respondents are proceeded against *ex parte*.

Heard.

The short dispute in this case is regarding completion of service book of the petitioner and because of which, certain terminal/retiral benefits have not been paid which have to be paid on the basis of the last pay drawn. The petitioner has been in service of the erstwhile Board presently PSPCL as Sewadar from 1974. He was promoted as Bill Distributor in 1990 and retired from service on 31.8.2012 after attaining the age of superannuation.

He has been paid his provident fund dues and was put on provisional

pension.

The case stated is that 10 pages of the service book of the petitioner are missing and, therefore, he has been put on provisional pension. The respondent corporation cannot keep the matter pending dependent on 10 pages of the service book and they would have to re-construct the service book with the help of the petitioner and from contemporaneous documents. In any case, if record is ultimately found to be missing and the petitioner is not responsible for the loss of those pages, then he would be entitled to a presumption in his favour.

As a result, a mandamus is issued to the respondents to re-construct the service book within one month from the date of receipt of a certified copy of this order. The petitioner would cooperate with the Corporation for completion of his service book with any material that may be available with him. In case the service book is completed, then it would follow that full benefits be given to the petitioner within the next one month thereafter towards settlement of his pension and pensionary dues. In case 10 pages are incapable of re-construction, then a certiorari is issued to treat the 10 pages in favour of the petitioner if he had no hand in causing loss of those pages. Then again the pension and pensionary dues remaining outstanding be paid within the same time frame as above.

Consequently, this petition is allowed.

(RAJIV NARAIN RAINA)
JUDGE

April 4, 2016
Paritosh Kumar