

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 9040 of 2015

Date of Decision: 15.11.2016

Darshan Singh

... Petitioner

V/s

Punjab State Power Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. V.K. Shukla, Advocate,
for the petitioner.

Mr. G.S. Ghumman, Advocate,
for the respondents.

KULDIP SINGH, J. (Oral)

The petitioner has invoked the writ jurisdiction under Articles 226 of the Constitution of India for issuance of a writ of certiorari/mandamus to the respondents for counting the daily wage service of the petitioner w.e.f. 01.01.1979 to 11.05.1989 followed by regular service, towards pensionary benefits.

The petitioner claims that he joined the respondent department as daily wage worker on 01.01.1979 and worked as such till 11.05.1989. Thereafter, he worked as work charged T-Mate w.e.f. 12.05.1989. Subsequently, his services were regularized on 26.10.1994 as Assistant Line Man.

It comes out that after the first round of litigation, the services of the petitioner on the work charge basis i.e. w.e.f. 12.05.1989 to 25.10.1994 has been counted for the purpose of grant of pensionary benefits. However, now the dispute is regarding counting of daily wages services of the petitioner w.e.f. 01.01.1979 to 11.05.1989 for grant of pensionary benefits.

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The petitioner claims that he served the respondent department w.e.f. 01.01.1979 to 11.05.1989 on daily wage basis. The reference has also been made to the affidavit dated 19.01.2015 (*Annexure P-2*) of the respondents filed in earlier contempt petition wherein said period of service on daily wages of the petitioner i.e. w.e.f. 01.01.1979 to 11.05.1989 has been mentioned. However, in the reply of the present writ petition, the respondents have annexed the muster rolls (*Annexure R-3/1*) showing that the petitioner has joined on daily wages w.e.f. 01.05.1983.

Learned counsel for the respondents stated that in the said affidavit filed in the contempt petition, the date of joining of the daily wages services of the petitioner has wrongly been mentioned and the said admission can always be withdrawn in view of the documentary proof. Whereas, the learned counsel for the petitioner does not have any documentary proof of any contrary date. The learned counsel for the petitioner agrees that he may be granted benefit of daily wages from 01.05.1983 instead of 01.05.1979 and learned counsel for the respondents have no objection for the same.

Accordingly, it is ordered that the daily wages services w.e.f. 01.05.1983 to 11.05.1989 shall also be computed for the purpose of grant of pensionary benefits and revised pensionary benefits be released to the petitioner alongwith interest @ 9% per annum starting three months after the date of the retirement of the petitioner till actual payment is made.

In view of the above, the present petition stands allowed.

November 15, 2016

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

✓

Whether speaking / reasoned

Yes / No

✓

Whether Reportable

Yes / No