

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9515 of 2016

Date of Decision: 16.05.2016

Kuljit Singh

... Petitioner

Versus

Chairman-Cum-Managing Director,
Punjab State Power Corporation
Ltd. and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Amandeep Saini, Advocate,
for the petitioner.

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

RAJIV NARAIN RAINA, J. (Oral)

1. The petitioner retired from the respondent-Corporation on July 31, 2011. The petitioner had worked from 1983 to 1986 as a daily wager and thereafter as a work-charged employee till April 08, 1999 till when his services were regularized on April 09, 1999. For the first time, he filed a representation in 2014 claiming that his previous service should be clubbed with regular service for purposes of qualifying service for pension. The representation has not been decided so far which inaction does not redound to the credit of the respondent Corporation.

2. This Court had issued directions to respondent PSPCL in a similar case i.e. CWP No.11250 of 2013 titled *Joginder Singh v. Punjab State Power Corporation Ltd. & Ors.*, decided on March 15, 2016. He has approached this Court in the present petition claiming benefit of past service towards pension. The cause of action is recurring since it relates to pension.

At best the monetary benefits can be confined to three years prior to the date

of representation dated May 12, 2014 or three years prior to the date of filing of this petition i.e. on May 12, 2016 since access to remedy was delayed by the petitioner coming too late to sue for his rights.

3. Instead of wasting time on issuing notice of motion in this case and awaiting reply, it is deemed fit and proper that a direction is issued to the respondents to pass a fresh order on the representation and in case, relief claimed is found within the law then it be granted to the petitioner and the monetary benefits as claimed above may be allowed and paid to the petitioner within three months from the date of receipt of certified copy of this order. In case, adverse order is contemplated the petitioner would be heard on request made in this behalf.

4. In the light of the judgment in *Joginder Singh's* case and the instructions dated April 18, 2016 (Annex P-5) of counting of service of employees working in State Autonomous Bodies/ Boards/ Corporations for the purpose of pension and pensionary benefits, the respondent Corporation will do well in processing not only the case in hand but all the cases which are in pending and in the pipeline where representations have been received then to take steps to conclude those matters by making payments due and in future if this sort of litigation comes from the Corporation then heavy costs may be imposed on the Corporation and strictures passed on erring officials including saddling them with compensatory damages for dereliction of duties to be recovered from their salaries, and in case they have retired, from their pensions and terminal benefits including interest at penal rates for delay in payments to retirees. No official should think that they would go Scott free for their inactions in discharge of duties towards retirees for which

they are paid public salaries.

5. The Corporation would take final decisions in disposal of all pending representations from persons retired including the petitioners within a period of three months from the date of receipt of a certified copy of this order. Notwithstanding the above directions issued by way of mandamus, a status report be filed by the respondent Corporation before this Court on discharge of monetary liabilities arising out of retirement of all employees at the end of the period prescribed including reasons, if any, for withholding retiral benefits for good and sufficient cause. This is to ensure that the Corporation stops expecting soft orders from this court to decide issues of retiral dues sanguine that no orders personal to the officers' pockets will be passed and the liability will be conveniently shifted to the PSPCL. To stem the rot in the system which has set in, it is directed that PSPCL will circulate this order in all its offices for compliance and a compliance report is directed to be filed of steps taken for the perusal of this Court and any further directions that may be required in the disposed of matter. Compliance of this direction would accompany the previous directions as above.

6. The petition stands disposed of with the above observations and directions.

(RAJIV NARAIN RAINA)
JUDGE

16.05.2016
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