

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

CWP No. 14314 of 2017
Date of decision: 21.07.2017

Smt. Neelam Rani

....Petitioner(s)

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

...Respondent(s)

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

Present: Mr. Gurvinder Singh, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks direction that the respondents should count the daily wage period in the qualifying service for the purpose of pensionary benefits and grant of family pension.

It is the case of the petitioner that her husband namely Atam Prakash was employed as a daily wage employee in the year 1982 with the respondent-Nigam and his services were regularized in the year 1993 as a regular Assistant Linesman. He expired on 28.05.2007 and the pension has been granted but the period from 1982 to 1993 of daily wage has not been taken into consideration due to which legal notice dated 02.05.2017 (Annexure P-1) has been served upon the respondent-Nigam but the same has not been decided. Counsel further submits that he would be satisfied if a direction is issued to the respondents to decide the said legal notice within a fixed time frame.

Counsel for the petitioner further 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 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 02.05.2017 (Annexure P-1) has still not been decided , 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 two months from the date of receipt of certified copy of the order.

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

21.07.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No