

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

**CWP No. 17903 of 2016
DECIDED ON: OCTOBER 24, 2017**

SARDARI LAL

.....PETITIONER

VERSUS

PUNJAB STATE POWER CORP.LTD. AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. J.S. Jaidka, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to count the ad-hoc service of the petitioner for the computation of his retiral benefits.

2. Undoubtedly, petitioner stood retired on attaining the age of superannuation on May 31, 2007. It is alleged by learned counsel for the petitioner that petitioner joined the respondent-Corporation on October 20, 1981 at Mukerian Hydle Project Inspection Quality Control on the post of T. Mate on ad hoc basis and his services rendered on ad hoc basis has not been taken into consideration by the respondent-Corporation while granting the retiral benefits. A representation dated December 08, 2015 (P-4) was made in this regard to the respondent-Corporation but since no action was taken, petitioner constrained to file the instant petition.

3. However, in response to notice of motion, respondent-Corporation has preferred a short written statement through Senior Executive Engineer, Estate Division, Punjab State Power Corporation Ltd. Giaspura, Ludhiana-respondent No.3. Para Nos. 2 and 3 of the short written statement are relevant for the disposal of instant petition, which reads as under:

“2. That since on retirement of the petitioner on 31.05.2007 the petitioner never intimated to the department about his ad-hoc service rendered by him at Mukerian Hydle Project as claimed in the writ petition and the only representation dated 08.12.2015 (after 8 years of retirement) attached with the petition which was never received in the office except when notice of the present writ petition was received in office as such the answering respondents are in a process of verifying whether the alleged ad-hoc service rendered by him falls within the parameters of the Circular dated 26.10.1995 (R-1) and if found admissible for counting after verification the said service will be counted towards pension as per rules and the revised pension will be prepared and paid to the petitioner.

3. That pension payment order issued earlier to the petitioner for the regular service rendered by him which was in notice of the respondents will thus be revised under the rules after verification of the admissibility for counting the ad-hoc service alongwith regular service for the purpose of pension.”

4. A glance at the afore-said paragraphs makes it crystal clear that representation (P-1) is under active consideration of the respondents and is being processed. Learned counsel for the petitioner submits that he feels satisfied in case a direction is issued to respondent-Corporation to decide the representation (P-1) within some stipulated period.

5. Considering all the aspects of the case, instant petition is disposed of with a direction to respondents to conclude the exercise with regard to

representation (P-1) within a period of three months from the date of receipt of certified copy of this order that too, by passing a speaking order. In case, respondents came to the conclusion that petitioner is entitled to the relief claimed by him, to release the consequential benefits within next 45 days. However, if the petitioner still feels aggrieved by any order of the afore-said authority, he shall be at liberty to approach this Court.

OCTOBER 24, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*