

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

Civil Writ Petition No.19528 of 2017

Date of decision: 30.08.2017

Des Raj

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

...Respondents

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

Present: Mr. Naveen Daryal, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks a writ of Mandamus under Article 226 of the Constitution of India for counting the daily wage service as a qualifying service for the purpose of pensionary benefits w.e.f. 1.10.1979 to 1.6.1987 and thereafter the work charge service w.e.f. 2.6.1987 to 6.11.1990 which is stated to be followed by regular service as a Regular Team Mate (RTM).

It is the case of the petitioner that he sought voluntary retirement at the age of 55 years on 30.9.2015 while working on the post of the Assistant Forman and is entitled to count his service for the aforesaid period for the purposes of pensionary benefits. He submitted representation on 29.10.2015 (Annexure P/2) and thereafter a legal notice dated 3.2.2016 (Annexure P/3) has been served upon respondents no.2 and 3 wherein reliance has been placed upon similar direction issued in **Civil Writ Petition No.22127 of 2013-Ishwar Singh Vs.Uttar Haryana Bijli Vitran Nigam Limited and others** decided on 5.10.2013 (Annexure P/4).

Counsel for the petitioner submits that at this stage he would be satisfied if a direction is issued to respondents to decide the said legal

notice within a time bound frame.

Keeping in view the limited relief sought by the petitioner, this Court feels that it is not necessary to issue notice to the respondents as the decision is yet to be taken and issuance of notice will only delay the proceedings further.

Accordingly, without commenting upon the merits of the case and keeping in view the above, the present writ petition is disposed of with a direction to respondent nos.2 and 3/competent authority to take into consideration the grievance raised in the said legal notice dated 3.2.2016 (Annexure P/3) and pass an appropriate order within a period of two months from the date of receipt of a certified copy of this order. It is made clear that in case the petitioner is held entitled for the necessary relief, the same shall be disbursed within two months thereafter. In case any adverse order is to be passed then a reasoned order be passed by the competent authority and copy thereof be supplied to the petitioner.

The present writ petition is disposed off with the aforesaid directions.

August 30, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No