

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24163 OF 2017
DECIDED ON: OCTOBER 26, 2017

MOHINDER SINGH

.....PETITIONER..

VERSUS

PUNJAB STATE POWER CORPORATION LTD.RESPONDENTS..
AND ANR.

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.K. Rattan, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

Through instant civil writ petition, preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ, order or direction especially in the nature of mandamus directing the respondents to grant revised pension as well as pensionary benefits by counting work charge service w.e.f. 11.10.1978 to 10.03.1993, which becomes 14 years & 5 months and 10 days approx. along with regular service w.e.f. 11.03.1993 to 31.01.2016, which becomes around 22 years, 10 months and 20 days approx. and total service become 37 yrs. 4 months & 20 days, but petitioner granted pension only for 46 half years, whereas he is entitled for pension for 37½ years (75 half years) as Rule 6.1 of PCS Rule Vol.2 is applicable to the petitioner and further grant of interest @ 12% p.a. on revised pension and other pensionary benefits for which petitioner is entitled.

2. Notice of motion.

3. At the asking of the Court, Mr. Manoj Bajaj, Additional Advocate General, Punjab accepts the notice on behalf of the respondents- State. Copy of the petition be supplied to learned State counsel during the course of the day.

4. Learned counsel for the petitioner contends that though a legal notice was made to the respondents on 02.09.2017 (P-3) but till date neither any reply to the said legal notice has been received nor any final order has been passed by the respondents.

5. Learned counsel for the petitioner further submits that he feels satisfied in case a direction is issued to respondent No.2 to decide his legal notice dated 02.09.2017 (P-3) in a time bound manner.

6. In view of above, instant petition is disposed of with a direction to respondent No.2-Executive Engineer, Distribution Division, Punjab State Power Corporation Limited, Dasuya, Distt. Hoshiarpur to look into the grievances unfolded by the petitioner in his legal notice dated 02.09.2017 (P-3) and to take a conscious decision by passing a speaking order in view of judgment ***“Kesar Chand vs. State of Punjab”, AIR 1988, Punjab, 265, “Hazura Singh vs. State of Punjab”, 2004 (1) SCT 695*** and ***“Kashmir Chand v. PSEB”, 2005 (4) SCT 298*** within a period of three months from the date of receipt of a certified copy of this order. In case, competent authorities come to the conclusion that petitioner is entitled to the relief(s) claimed, same be released to him within a period of next one month. Factum of interest in view of judgment passed by Full Bench of this Court in case ***R.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468*** as well as judgment passed by this Court in **Baldev Singh**

vs. State of Punjab and Anr., CWP No.24845 of 2015, decided on August 01, 2017, be also considered on delayed payment(s).

7. However, if the petitioner still feels aggrieved against the order passed by the concerned authority, he shall be at liberty to approach this Court.

OCTOBER 26, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes/No*