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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.252

Civil Writ Petition No.16773 of 2016
DECIDED ON: *February 15, 2018*

BISHAN DASS

..PETITIONER

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM LIMITED AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. K.L. Arora, Advocate,
for the petitioner.

Mr. Gagandeep S. Wasu, Advocate,
for the respondents.

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JASPAL SINGH, J.

The precise grievance unfolded by the petitioner is that his work charge service has not been counted towards regular service as 'qualifying service' for the grant of pensionary benefits such as pension, leave encashment, gratuity, commutation of pension etc. and arrears thereof along with interest @ 18% per annum.

2. However, during the course of arguments, it has emerged that the petitioner retired from service on September 30, 1993 as Lineman and

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the instant petition was preferred in the month of August, 2016 i.e. after about two and half decades. It has also surfaced during the course of arguments that the petitioner served a legal notice dated April 30, 2014 through his Advocate seeking the counting of his service performed by him as work charge Lineman w.e.f. July 1956 to January, 1972 and in response thereto vide communication dated May 02, 2016, the petitioner and his counsel was asked to supply documents or the service book to establish the fact of rendering service as a work charge employee. Even prior to that various letters were written by the Executive Engineer (OP) Division, UHBVN, Ambala City to the petitioner as is evident from the letter dated May 02, 2016 (R-1) but instead of furnishing the documentary evidence before the concerned authorities, the petitioner opt to approach this Court by way of filing of instant petition.

3. Since, the petitioner did not approach or respond to the aforesaid letter dated May 02, 2016 (R-1) or the various letters issued to him prior thereto, no final decision could be taken by the concerned authorities. It has nowhere been declined by the respondents rather it can be said that due to non-furnishing of the various documents sought by the respondents, no final decision could be taken by them.

4. Without commenting on the merits of the case, instant petition is disposed of with the direction to the petitioner to file a detailed representation/legal notice annexing therewith the documents to be relied upon in support of his claim to the respondent No.1, within a period of two weeks from the date of receipt of a certified copy of this order. The said representation/legal notice shall be considered by respondent No.1-Managing Director, Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL),

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Shakti Bhawan, Sector 6, Panchkula (Haryana) and dealt with & disposed of the same within a period of three months from its receipt. In case, concerned authorities do not concur with the submissions or claim raised by the petitioner through his representation/legal notice, to pass a speaking order and in that event, petitioner shall be at liberty to have recourse to other remedies available under the law including the one to approach this Court.

February 15, 2018 **(JASPAL SINGH)**
Ankur **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **Yes/No**