

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.18241 OF 2015
DECIDED ON: FEBRUARY 14, 2018

RAM LAL

.....PETITIONER

VERSUS

PUNJAB STATE POWER CORP. LTD.
AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Inderjit Sharma, Advocate,
for the petitioner.

Mr. R.L. Sharma, Advocate,
for the respondents.

JASPAL SINGH, J.(Oral)

Through instant petition, petitioner, who retired as Assistant Lineman (ALM) from the Punjab State Corporation Ltd. (for short, "Corporation") on 31.03.2013 has sought issuance of a writ particularly in the nature of mandamus directing the respondents to release the retiral and pensionary benefits such as leave encashment, contributory provident fund, gratuity and other consequential benefits accrued to him on account of his superannuation.

2. In response to the notice of motion, the respondents filed short written statement that the respondents have taken up the case of the petitioner and at the moment the approval of work charge service with regular service is

sanctioned by competent authority, the case of the petitioner for grant of sanction by taking qualifying service from 03.04.1989 to 12.12.2004 will be sent to the concerned authorities i.e. the Chief Accounts Officer Pension Head Office Patiala for sanction thereof as per prescribed procedure for grant/sanction of pensionary benefits to the petitioner after pre-audit. However, Para No.3 of the short written statement/reply dated 19.07.2016 is relevant, which reads as under:-

“That earlier the matter of sanction of pension to the petitioner could not be processed on the presumption that since petitioner was superannuated/retired on attaining the age of superannuation on 31.03.2013 as such was having less than ten years regular service qualifying service and was thus not entitled for pension. Since, on counting of work charge service the petitioner's qualifying service becomes about 24 years as such the case of the petitioner for sanction of the pension is being sent to the concerned office.

In view of above facts the writ petition has thus rendered infructuous and may be dismissed accordingly.”

3. A glance at the aforesaid paragraph as well as other contents of the short reply dated 19.07.2016 makes it crystal clear that the case of the petitioner for the grant of pension could not be processed as service of the petitioner as work charge was not being considered/treated towards qualifying service for pensionary benefits. The matter has not so far been finalized despite the fact that the matter is pending since July 2016. Thus, the instant petition is disposed of with the direction to the respondents to take a conscious decision with regard to

the work charge service rendered by the petitioner during the period from 03.04.1989 to 12.12.2004 towards qualifying service for pensionary benefits within a period of two months and in case, the decision taken by the concerned authority is positive, to calculate and disburse the benefits within a period of next 45 days, that too, along with interest @ 9% per annum after the expiry of three months from the date of superannuation till the actual payment.

4. However, in case, the petitioner still feels aggrieved of any action taken by the respondents, he shall be at liberty to have recourse to the other remedies available to him under law as well as to approach this Court.

FEBRUARY 14, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>