

CWP No. 13136 of 2018
DECIDED ON: MAY 23, 2018

MAM CHAND

.....PETITIONER

VERSUS

HARYANA POWER GENERATION CORP AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jaspal Singh Maanipur, 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 the issuance of a writ in the nature of mandamus directing the respondents to taken into account daily wages and work charged service rendered by him from July, 1979 to February, 1980 and March, 1980 to 20.01.1992 respectively towards pensionary benefits as well as benefit of additional increment on completion of 8/18 years of service as also the higher standard pay scale on completion of 10/20 years of service in terms of the undertaking given to this Court in CWP No. 19123 of 2010, titled as “*Mangal Singh and others vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others*” decided on 27.04.2011 (P-3) and in CWP No. 22779 of 2010 “*Ram Chander and another vs. HPGCL and others*” decided on 21.12.2010 (P-2) whereby, it has been ordered that the work charged service rendered by the employees be counted towards pensionary benefits as well as benefit of additional increment

on completion of 8/18 years of service as also the higher standard pay scale on completion of 10/20 years of service and grant him the revised pensionary benefits and arrears along-with interest @9% per annum in terms of law laid down by the Hon'ble Apex Court in "***D.D. Tewari (D) through L.Rs Vs. Uttar Haryana Bijli Vitran Nigam Ltd.***" 2015 (1) RSJ 469 (P-4) or in the alternative respondents No.1 and 2 be directed to take a final decision on the legal notice (P-5) within a stipulate period.

2. At the very outset learned counsel for the petitioner submits that even though the petitioner served legal notice dated 01.03.2018 (P-5) upon the respondents but till date neither any response to the notice has been received nor any conscious decision has been taken. He further submits that petitioner feels satisfied in case a direction is issued to respondents to consider and decide the afore-said legal notice (P-5) within a time bound manner.

3. Without expressing any opinion on merit as well as in view of submission made by learned counsel for the petitioner, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the legal notice dated 01.03.2018 (P-5) and to decide the same in accordance with law, rules and regulation, within a period of three months from the date of receipt of certified copy of this order.

4. However, in case the petitioner feels aggrieved by any in-action of the afore-said authority, he shall be at liberty to have recourse to other remedies available to him under law including to approach this Court.

MAY 23, 2018
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(JASPAL SINGH)
JUDGE

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