

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

Sr. No.263

Civil Writ Petition No.23360 of 2016
DECIDED ON: May 09, 2018

MULKH RAJ

..PETITIONER

VERSUS

**PUNJAB STATE POWER CORPORATION LIMITED AND
ANOTHER**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Ms. Nikita Bansal, Advocate for
Mr. Nitin Kaushal, Advocate,
for the respondents.

JASPAL SINGH, J. (ORAL)

Through the 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 pension and other pensionary benefits by counting work charge service w.e.f. 30.04.1981 to 29.08.1995, which becomes 14 years & 4 months approx. along with regular service w.e.f. 30.08.1995 to 30.04.2011, which becomes around 15 years and 08 months approx. and total service become 30 years approx., but petitioner granted pension only for 31 half years and further grant of interest @ 12% p.a. on pension and other pensionary benefits for which petitioner is entitled.

2. However, at the stage, learned counsel for the petitioner submitted that petitioner feels satisfied in case a direction is issued to

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respondent No.2 to consider and take a conscious decision on the legal notice 01.09.2016 (P-5) within some stipulated period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No.2-Sr. 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 01.09.2016 (P-5) 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** within a period of three months from the date of receipt of a certified copy of this order. In case, competent authorities comes 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 **A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468** as well as judgment passed by this Court in CWP No.8772 of 2015 captioned as **Charan Dass vs. State of Punjab & Ors.** decided on July 11, 2017 and Instructions No.1/15/90IFPIII/4226 dated 10.05.1990 issued by the Government of Punjab, be also considered on delayed payment(s).

4. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to have recourse to other remedies available under law as well as to approach this Court.

May 09, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**