

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

CWP No.22536 2018 (O&M)

Date of decision: 06.09.2018

Bishamber Lal

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Virinder K. Shukla, Advocate,
for the petitioner.

Ritu Bahri, J.

The petitioner is seeking direction to the respondents to count his daily wage service w.e.f. 17.10.1980 to 14.05.1993.

Notice of motion.

At this stage, Mr. Deepak Manchanda, Advocate, accepts notice on behalf of the respondent.

Heard.

A perusal of the petition shows that the petitioner was appointed as T-Mate on daily wage basis on 17.10.1980. Initially, he worked at Panipat Thermal Power Station, Panipat from 17.10.1980 to 03.01.1986. Thereafter, he was transferred to the office of Sub-Divisional Officer, OP S/Division No.1, UHBVN, Pundri, where he worked w.e.f. 04.01.1986 to 30.11.1986. Subsequently, he was shifted to the office of Assistant Executive Engineer, LD & PC, HSEB, Assan, Panipat and worked there on daily wage basis w.e.f. 01.12.1986 to 14.05.1993. Services of the petitioner

were regularized as T-Mate on 14.05.1993. Thereafter, he was promoted as

Assistant Lineman in May, 1997. Ultimately, he retired from service on 31.12.2012 on attaining the age of superannuation. After retirement, the petitioner was released pensionary benefits consisting of pension, gratuity and G.P. Fund etc. by counting his regular service only from 14.05.1993 to 31.12.2012. His daily wage service w.e.f. 17.10.1980 to 14.05.1993 (i.e. before regularization) has not been counted as qualifying service for pensionary benefits.

Learned counsel for the petitioner has referred to the judgments passed by this Court in **Sadhu Singh and others vs. State of Punjab and others**, CWP No.18841 of 2007, decided on 25.07.2008 (Annexure P-5) and **Hari Chand vs. Bhakhra Beas Management Board and others**, CWP No.7378 of 2003, decided on 22.03.2011 (Annexure P-6), whereby it has been held that once the services of daily wager have been regularized, the service rendered before the date of regularization has to be considered for the purpose of pensionary benefits. As per Full Bench judgment in **Kesar Chand vs. State of Punjab and others**, 1988 (5) SLR 27, work-charge/daily wage service of an employee followed by regularization of service, has to be counted towards pensionary benefits.

Vide letter dated 19.12.2017 (Annexure P-7), respondent No.2 has recommended the case of the petitioner for counting his daily wage services, after seeking information from different offices, but no final order has been passed till date. With regard to his grievance, petitioner has served a notice of demand dated 24.07.2018 (Annexure P-8) upon the respondents, but no action has been taken thereon till date.

The present petition, at this stage, is disposed of by giving direction to respondent No.2-Chief Accounts Officer, UHBVNL, to look

into the notice dated 24.07.2018 (Annexure P-8), take a final decision and release consequential benefits to the petitioner, within a period of four weeks. After doing the needful, compliance report be sent to this Court.

06.09.2018
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No