

CWP No. 28829 of 2017

DECIDED ON: FEBRUARY 06, 2018

JAGDISH CHAND

.....PETITIONER

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Baltej Singh Sidhu, Advocate for
Mr. Narinder Singh Behgal, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226 and 227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to count his daily wage period w.e.f. 15.04.1979 to 26.07.1990 as qualifying service and by counting the same towards qualifying service refix his pension in view of letter/policy dated November 26, 2013 (P-3) and also release the arrears thereof, along-with interest @18% per annum.

2. The contention of learned counsel for the petitioner is that the petitioner stood retired on attaining the age of superannuation on September 30, 2016. He further contended that despite the policy (P-3), service rendered by the petitioner on daily wages w.e.f. April 15, 1979 to July 26, 1990 has not been counted towards qualifying service and his pension was also not refixed by

counting the same. Petitioner so many times requested the department to refix his pension by counting his daily wages period but respondent-department did not pay any heed to his request. Petitioner constrained to serve a legal notice dated October 10, 2017 (P-4) upon the respondents, which also did not fetch any reply. He further submits that he feels satisfied in case a direction is issued to respondents to consider and decide the afore-said legal notice (P-4) within a time bound manner.

3. In view of afore-said facts and circumstances, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the legal notice (P-4) and to decide the same in accordance with law, rules and regulations as well as keeping in view the policy (P-3) within a period of three months from the date of receipt of certified copy of this order. In case the authority comes to the conclusion that petitioner is not entitled to the relief so claimed through the legal notice, to pass a speaking order and in that event, petitioner shall be at liberty to have recourse to the other remedies available to him under law.

FEBRUARY 06, 2018
sham

(JASPAL SINGH)
JUDGE

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