

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

CWP No.1987 of 2019

Date of Order: 24.01.2019

Raj Mal

....Petitioner

Versus

UHBVNL and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jagbir Malik, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J (ORAL)

The claim of the petitioner in the present writ petition is that he retired from service on 31.3.2017. As per averments, the respondents-Nigam issued a Notification dated 15.5.2017 by which the UHBVNL (Revised Pay) Rules, 2017 were notified which came into effect on 01.01.2016.

Learned counsel for the petitioner states that though the revised pay scales came into force w.e.f 01.01.2016, the petitioner has been retired only on the basis of un-revised pay scales and his pensionary benefits has also been fixed on the basis of un-revised pay scales. The prayer has been made that the petitioner should be granted arrears of salary w.e.f 01.01.2016 till 31.3.2017 and also consequential re-fixation of his pensionary benefits on the basis of revised pay scales as the petitioner was entitled for the same w.e.f 01.01.2016. Learned counsel states that even the services rendered by the petitioner from 01.01.1979 to 15.12.1991 on daily wage and work charge basis has to be counted for determining the qualifying service in the light of the law laid down by the Full Bench judgment of this Court reported

as **Kesar Chand vs. State of Punjab and Others, 1988 (2) PLR 223.**

Counsel for the petitioner further states that for the relief which has been sought in the present writ petition, the petitioner has served respondents with a legal notice dated 23.05.2018 (Annexure P-4), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 23.05.2018 (Annexure P-4) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next three months. Present writ petition stands disposed of.

January 24, 2019
manoj

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No