

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

(134)

CWP-6338-2019

Date of Decision: March 08, 2019

Rashpal Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dinesh Mahajan, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which has been raised by the petitioner is that the petitioner was appointed on 20.03.1988 and he continued working till 13.03.1996 when the services of the petitioner were regularized as Baildar but the service which the petitioner rendered from 20.03.1988 till 13.03.1996 has not been taken into account as a qualifying service for computing the pensionary benefits after the petitioner retired on 31.05.2018.

Learned counsel for the petitioner states that as per the settled principle of law, the daily wage service rendered by an employee followed by regular service is to be counted as a qualifying service while computing the pensionary benefits.

Learned counsel for the petitioner further states that for the relief which has been claimed in the present writ petition, the petitioner has served upon the respondents with a legal notice dated 06.12.2018 (Annexure P-3) and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice dated 06.12.2018 (Annexure P-3) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 06.12.2018 (Annexure P-3), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 06.12.2018 (Annexure P-3) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to him within three months thereafter.

March 08, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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