

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

(128)

CWP-9388-2019

Date of Decision: April 08, 2019

Hardayal

.. Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the petitioner is praying for counting of work-charge and ad-hoc service, which the petitioner has rendered before regularization of his services.

It has been averred in the petition that before the regularization of the services of the petitioner, petitioner had worked on work-charge and ad-hoc basis and after his retirement, only the service which he has rendered on regular basis, has been taken into consideration while fixing the pensionary benefits including pension and other benefits.

Learned counsel for the petitioner submits that keeping in view the law laid down by this Court in **Kesar Chand Vs. State of Punjab, 1998 (2) PLR 223 (FB)** and **Ram Singh Vs. State of Haryana, 1994 (1) RSJ 238**, work-charge and ad-hoc service has to be counted while computing the pensionary benefits and, therefore, the respondents were under obligation to follow the law while calculating the pensionary benefits upon the retirement of the petitioner. Learned counsel further states that for the relief, which has been claimed in the present writ petition, the petitioner has served

respondents with an advance legal notice dated 25.04.2017 (Annexure P-4), which is still pending consideration with the respondents and the petitioner will be satisfied in case a time bound direction is given to the respondents to decide the advance legal notice by passing a speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the claim prayed in the present writ petition or in the advance/legal notice, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioner in the advance legal notice dated 25.04.2017 (Annexure P-4) within a period of three months from the date of receipt of certified copy of this order.

In case after the order, it is found by the respondents that the petitioner is entitled for any monetary benefits, the same should also be released to him within a period of next three months.

The writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

April 08, 2019
harsha

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