

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

CWP-12034-2019

Date of decision: - 08.05.2019

Matadeen

....Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. B.K. Bagri, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner states that there is no dispute that petitioner worked on work charge basis w.e.f. 01.12.1968 till 27.04.1979, before his services were regularized.

Counsel for the petitioner further states that the said service has not been counted as a qualifying service for the grant of pensionary benefits by the respondents on the ground that contributory provident fund was not deposited for the said period.

Counsel for the petitioner further states that petitioner was always ready to deposit the contributory provident fund for the said period, but the benefit of service has not been extended to him despite the fact that it is settled principle law settled by the Full Bench of this Court

in Kesar Chand Vs. State of Punjab and others', AIR 1988 Punjab 265, wherein, it has been held that work charge service is to be taken into account as a qualifying service for computing the pensionary benefits.

Counsel for the petitioner further states that for the relief which has been sought in the present writ petition, the petitioner has served the respondents with a legal notice on 19.03.2019 (Annexure P-14), 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 or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 19.03.2019 (Annexure P-14) 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.

(HARSIMRAN SINGH SETHI)
JUDGE

May 08, 2019
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No