

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 13797 of 2019
Date of Decision : 22.05.2019

Bir Singh

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shivoy Dhir, Advocate for
Mr. Naveen Daryal, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the claim of the petitioner is that he was working on daily wage basis starting from 01.04.1978 and he continued working as such till 28.02.1991 when he was regularly appointed as A.L.M. on 01.03.1991. Thereafter, petitioner continued in service and was promoted as Lineman in the year 2006. Petitioner was further promoted as Assistant Foreman on 30.06.2013 and ultimately, sought voluntary retirement due to ill-health, which request was accepted and the petitioner retired w.e.f. 31.03.2017.

The grievance of the petitioner in the present writ petition is that daily wage service, which he rendered from 01.04.1978 to 28.02.1991, has not been counted as a qualifying service for the grant of pensionary benefits.

Learned counsel for the petitioner prays that in view of the

settled principle of law settled by the Full Bench of this Court in ***Kesar Chand Vs. State of Punjab and others, 1988(2) PLR 223***, daily wage service rendered by an employee prior to the regularization of his/her service is to be counted as a qualifying service for the grant of pensionary benefits. Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, the petitioner has served the respondents with a legal notice dated 29.01.2018 (Annexure P-5), 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 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 relief claimed in the present writ petition or in the 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 legal notice dated 29.01.2018 (Annexure P-5) 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.

May 22, 2019
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes*
Whether reportable? *No*