

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

(128)

CWP-14817-2019

Date of Decision: May 29, 2019

Bhagwant Singh

.. Petitioner

Versus

Punjab State Power Corporation Limited and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Sonia G. Singh, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner argues that the work charge service rendered by the petitioner for 13 years, 9 months and 20 days has not been taken into account as a qualifying service for the grant of pensionary benefits.

Learned counsel for the petitioner relies upon the list of work-charge employee (Annexure P-1) to contend that the petitioner, whose detail has been mentioned at Sr. No.2 in Annexure P-1, had worked on work charge basis for 13 years, 9 months and 20 days, benefit of which service, needs to be extended to the petitioner as a qualifying service for the grant of pensionary benefits keeping in view the settled principle of law settled by the full Bench of this Court in **Kesar Chand Vs. State of Punjab, 1988 (5) SLR 27.**

Further grievance which is being raised by the petitioner is that as his services were regularized on 12.07.2005, petitioner is being treated under the new pension scheme ignoring the settled principle of law settled by the Division Bench of this Court in **CWP No.2371 of 2010 titled as**

Harbans Lal Vs. The State of Punjab and others, decided on 31.08.2010,

wherein it has already been held that the employees who were in service prior to 01.01.2004 though their services might have been regularized after the said date, are entitled for the pension under the old pension scheme.

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 05.04.2019 (Annexure P-4) and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the same 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 05.04.2019 (Annexure P-4), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 05.04.2019 (Annexure P-4) 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.

May 29, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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