

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

CWP-19620-2019

Date of decision: - 19.07.2019

Sardara Singh and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Harbans Lal Sharma, Advocate,
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the widow is claiming the benefit of pension in respect of the service rendered by her late husband and the consequent family pension after the death of her husband, who unfortunately died on 06.11.2012.

As per the averments made in the writ petition, late husband of petitioner(s) joined as SPO on 25.12.1990 and he continued working as such till 15.12.1994 when he was absorbed as a constable. He continued working as a Constable till he attained the age of superannuation i.e.30.11.2003. The benefit of pension was not released to the late husband of the petitioner on the ground that from the date of regularization i.e. 16.12.1994, till he attained the age of superannuation

i.e. 30.11.2003, he did not have 10 years of service to his credit so as to entitle him the benefit of pension.

Counsel for the petitioner argues that service, which the late husband of petitioner has rendered from 25.12.1990 till 15.12.1994, is to be treated as a qualifying service for the grant of pensionary benefits keeping in view the law laid down by the Full Bench of this Court in **Kesar Chand Vs. State of Punjab and others'**, AIR 1988 Punjab 265, according to which, the work charge/daily wage service rendered by an employee prior to regularization of his/her service is to be taken into account as a qualifying service for the grant of pensionary benefits. Counsel further states that by taking into consideration the service which the late husband of petitioner had rendered from 25.12.1990 till 15.12.1994, the total service rendered comes to 13 years, which entitle him the benefit of pension and hence, late husband of petitioner No.2 was entitled for the grant of pension.

Counsel for the petitioner further states that for the relief which has been sought in the present writ petition, petitioner has served the respondents with a legal notice dated 06.05.2019 (Annexure P-9), 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(s), the respondents are directed to decide the legal notice dated 06.05.2019 (Annexure P-9) 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 her within a period of next three months.

Present writ petition stands disposed of.

July 19, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No