

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

CWP-18157 of 2019

Date of decision: 08.07.2019

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.... Petitioner

versus

Punjabi University and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Brijesh Nandan, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the claim raised by the petitioner is that her husband had joined the respondent/University on 02.01.1987 as Daily Wager. On 29.11.2001 he was put to Work Charged service and ultimately on 12.06.2007 the service of the late husband of the petitioner was regularised as Gardener. Unfortunately, husband of the petitioner died while in service on 20.01.2016. The grievance which is being raised by the petitioner is that the daily wage and work charged service rendered by the late husband of the petitioner starting from the year 1987 has not been treated as qualifying service for grant of pensionary benefits. Learned counsel argues that keeping in view the judgment passed by the Full Bench in **Kesar Chand vs. State of Punjab through the Secretary, P.W.D.B & R Chandigarh and others 1988(2) PLR 223** adhoc/daily wage service is liable to be counted as qualifying service for pensionary benefits and, therefore, the respondents are liable to be directed to compute the benefits for which the petitioner is entitled after the death of her husband while taking into account the service rendered by her husband as daily wager and work charged employee.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, the petitioner has served the respondents with a legal notice dated 30.05.2018 (Annexure P-4), 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 same.

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 legal notice dated 30.05.2018 (Annexure P-4), 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.

08.07.2019

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(HARSIMRAN SINGH SETHI)
JUDGE

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|----|--------------------------------|--------|
| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |