

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

(217)

CWP-17750-2016

Date of Decision: April 10, 2019

Puran Chand

.. Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd & ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Chetan Kapoor, Advocate, for the petitioner.

Mr. R.S. Longia, Advocate, for the respondents.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that the petitioner had worked with the respondents on work charge basis from 04.01.1974 till 14.06.1984 and therefore, keeping in view the settled principle of law in **Kesar Chand Vs. State of Punjab, 1988 (5) SLR 27**, the petitioner was entitled to count the said period as a qualifying service for computing the pensionary benefits.

Learned counsel for the respondents, on the other hand, states that there is no basis on which the present writ petition has been filed as there is no record with the respondents that the petitioner had worked on work charge basis for the period mentioned above.

Learned counsel for the respondents states that no proof has been attached by the petitioner himself showing that the petitioner ever worked for the said period so as to entitle him the benefit as being sought in the present writ petition.

From the above, it is clear that the present writ petition involves the disputed question of facts which cannot be gone into the writ proceedings and faced with this situation, learned counsel for the petitioner states that he be allowed to withdraw the present writ petition with liberty to approach the Civil Court by filing appropriate proceedings in respect of the relief as prayed in the present writ petition.

Dismissed as withdrawn with liberty as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

April 10, 2019
harsha

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