

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

CWP-19631-2019

Date of decision: - 22.07.2019

Bimla Kumari

...Petitioner

Versus

M/s Punjab Agro Industries Corporation Limited and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sharwan Sehgal, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel for petitioner states that the petitioner joined the respondents Corporation in the year 1982 and thereafter, her services were terminated by the respondents on 16.04.1999. Even the appeal filed by her against the termination, was dismissed by the respondents and the said action was challenged by the petitioner before the Labour Court, whereby an Award dated 18.11.2003 (Annexure P-1) was passed and the order terminating the services of the petitioner was set aside and the punishment of termination was converted into stoppage of two annual increments with cumulative effect and the petitioner was directed to be reinstated in service with continuity of service with full back wages.

The said order passed by the Labour Court was challenged by

the Corporation by filing a CWP No.3189 of 2004, which was admitted by this Court. During the pendency of the said writ petition, petitioner attained the age of superannuation and retired on 31.12.2007.

Counsel for the petitioner argues that petitioner was not given the benefit of continuity in service as awarded in her favour by the Labour Court vide award dated 18.11.2003 (P-1) at the time of retirement in the year 2007 as the writ petition filed by the Corporation against the said award, was still pending. Counsel further argues that CWP No.3189 of 2004 filed by the Corporation challenging the award dated 18.11.2003 (P-1) passed by the Labour Court in favour of the petitioner, was dismissed on 12.05.2017 (Annexure P-3) and therefore, petitioner became entitled for the grant of the pensionary benefits by counting the service from the year 1982 onwards.

Counsel for the petitioner further states that petitioner has not been extended the said benefit of total length of service by revising her pensionary benefits and prays for issuance of a direction to the respondents to revise the pensionary benefits of the petitioner and grant her all the arrears for which she became entitled to under the Award of the Labour Court dated 18.11.2003 (P-1).

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 20.05.2019 (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 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, the respondents are directed to decide the legal notice dated 20.05.2019 (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.

Present writ petition stands disposed of.

July 22, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No