

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19605-2019

Date of decision: - 19.07.2019

Balviro

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- None for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that the daily wage service, which her late husband had rendered before the regularization of his services, has not been taken into account as a qualifying service for the grant of the pensionary benefits.

It is the case of the petitioner that her husband was appointed on daily wage basis on 28.04.1997 and thereafter, his services were regularized on 26.07.2014. While working as a Safai Sewak on regular post, unfortunately husband of the petitioner died on 03.03.2019. After the death, the benefits for which the petitioner is entitled for are not being released by the respondents without any valid justification.

Petitioner claims that she is entitled for the benefit of pension under Old Pension Scheme as per the judgment of this Court in **CWP No.2371 of 2010** titled as '**Harbans Lal Vs. State of Punjab and**

others', decided on 31.08.2010, according to which, if an employee was in service on 01.01.2004 though his/her services were regularized after the said date, will be covered under the Old Pension Scheme for the grant of benefits after retirement, therefore, the action of the respondents for not granting the pension and other benefits is contrary to the settled principle of law.

From the averments, it transpires that for the relief, which has been sought in the present writ petition, petitioner has also served the respondents with a legal notice dated 25.04.2019 (Annexure P-13), which is still pending consideration with the respondents.

Interest of justice will be served, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice by passing an appropriate speaking order.

Without expressing any opinion on the merits of the case and entitlement of the petitioner in respect of the claim made in the writ petition/legal notice, the respondents are directed to decide the legal notice dated 25.04.2019 (P-13) within a period of three months from the date of receipt of a certified copy of this order. In case it is found that the petitioner is entitled for any relief, the same shall also be released to her within a period of next three months.

Present writ petition stands disposed of

(HARSIMRAN SINGH SETHI)

JUDGE

July 19, 2019
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No