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

CWP-19744-2019

Date of decision: - 22.07.2019

Ajaib Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr.S.C.Arora, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, counsel for the petitioner states that the petitioner had joined as Baildar with the respondent, Forest Department in October, 1988 on daily wage basis. He continued working till the year 2013 when his services were regularized and thereafter, the petitioner retired on 30.04.2018 on attaining the age of superannuation.

Counsel argues that no pensionary benefit has been extended to the petitioner after his retirement on the ground that the petitioner had less than 10 years service after regularization of his service and minimum 10 years service is required for the grant of pension.

Counsel further argues that the adhoc service/ daily wage service which an employee has rendered prior to the regularization, is liable to be counted as a qualifying service for the grant of pension and other pensionary benefits and as stated above, the petitioner has rendered service from the year 1988 till he retired in the year 2018, therefore, counsel for the petitioner argues that as the petitioner had more than 30 years of service to his credit, he is entitled for grant of pension and other pensionary benefits.

Counsel for the petitioner argues that 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, the work charge/daily wage service rendered by an employee prior to regularization of his service is to be counted as a qualifying service for the grant of pensionary benefits.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, the petitioner has submitted with the respondents representations dated 21.01.2019 (Annexure P-3) and 22.02.2019 (Annexure P-5), which are 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 representations dated 21.01.2019 (Annexure P-3) and 22.02.2019 (Annexure P-5).

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 representations dated 21.01.2019 (Annexure P-3) and 22.02.2019 (Annexure P-5) 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, it is found that the petitioner is entitled for any monetary benefits after the decision of the representation, the same should also be paid to him within three months thereafter.

Present writ petition stands disposed of.

22nd July, 2019
shabha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No