

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-20208-2019

Date of decision: - 24.07.2019

Ram Murti

....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Naveen Daryal, Advocate,  
for the petitioner.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

In the present writ petition, the grievance which is being raised by the petitioner is that the service, which he rendered on daily wage basis from 10.10.1980 to 01.05.1993 has not been taken into consideration as a qualifying service for computing his pensionary benefits.

Counsel for the petitioner argues that as per the settled principle of law settled by a Full Bench of this Court in '**Kesar Chand Vs. State of Punjab and others**', AIR 1988 Punjab 265, the daily wage service, which is duly followed by the regularization, is liable to be counted as a qualifying service for the grant of pensionary benefits and therefore, the respondents are under obligation to grant the pensionary

benefits for the period from 10.10.1980 till 01.05.1993 by counting the said service as a qualifying service for the computation of the pensionary benefits.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served the respondents with a legal notice dated 23.05.2018 (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 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 23.05.2018 (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 him within a period of next three months.

Present writ petition stands disposed of.

**July 24, 2019**  
naresh.k

**( HARSIMRAN SINGH SETHI )**  
**JUDGE**

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|----------------------------|-----|
| Whether reasoned/speaking? | Yes |
| Whether reportable?        | No  |