

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22986-2016

Date of decision: - 18.07.2019

Raj Pal

....Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Prateek, Advocate,
for Mr. Ram Niwas Sharma, Advocate
for the petitioner.

Ms. Anupama Sharma, Advocate
for the respondents.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the prayer which has been made by the petitioner is for counting of his daily wage service as a qualifying service for the grant of pensionary benefits.

As per the averments made in the writ petition, petitioner was appointed on daily wage basis on 05.12.1980 with XEN CHM-I, PTPS, HPGCL, Panipat and he continued working as such till 05.02.1986 and thereafter, he again worked as a daily wager with XEN Sub Urban Division, DHBVN, Bhiwani, from 06.02.1986 till 10.05.1993 and his services were regularized on 11.05.1993. Petitioner retired from service on 30.04.2015.

The grievance, which is being raised in the present writ petition is that daily wage service rendered by the petitioner has not been taken as a qualifying service for the grant of pensionary benefits.

Upon notice of motion, the respondents have filed the reply.

Counsel for the respondents states that relief which has been prayed by the petitioner in the present writ petition has already been released to him and the daily wage service rendered by the petitioner, has been treated as a qualifying service and the pensionary benefits have been accordingly revised. Counsel for the respondents states that even the arrears of the revised benefits have been released to the petitioner. Reply of the respondents is as under: -

“4. That in reply to the contents of para no. 5 of the civil writ petition, it is respectfully submitted that the official rendered daily wages services in XEN / CHM- 1 PTPS, HPGCL, Panipat & XEN S/U Divn., DHBVN, Bhiwani, vide office order No. 256 dated 23.07.2018 as per Annexure R-1 and XEN/CHM-1 PTPS, HPGCL, Panipat vide O/o No. 97/TG-Disposal/19 dated 09.07.2018 as per Annexure R-2 counts the daily wages period. Accordingly this office giving benefits of Daily Wages Service i.e. 6 years, 01 month, 5 days and payment of difference of DCRG i.e. Rs. 17583/- released to the retiree vide Sr. A.O./Pension, DHBVN, Hisar vide Memo No. 19773/74 CGM/PEN./9059/JND dated 02.11.2018 as per Annexure R-3.

5. That in reply to the contents of para No.6 of the writ petition, needs no reply.

6. That in reply to the contents of paras no. 7 & 8 of the civil writ petition, needs no reply.

7. That the contents of para no. 9 of the civil writ petition, it is respectfully submitted that in 1st instance Gratuity of amount Rs.3,75,936/- has been released after that difference of

DCRG amounting Rs.10890/- again release as per memo no.9456/CGM Pension/PEN/9059/JND dated 04.08.2015 of Sr. A.O./Pension, DHVBN, Hisar and now after counting/Daily wages service as per Rule 3.17 of AE(d) as per Annexure R-4 for 6 years 1 month and 5 days. Sr. A.O./Pension, DHBVN, Hisar release DCRG difference of Rs. 17583/- which is now released vide cheque No. 660575 dated 12.11.2018 to the petitioner, So far as the issue of leave encashment is concerned daily wages service did not effect the leave encashment.

8. That the contents of paras no. 10 to 13 of the civil writ petition needs no reply.

Faced with this situation, counsel for the petitioner states that petitioner be given liberty to approach the respondents for the redressal of his grievance in case any grievance is left to be redressed by filing an appropriate representation.

Counsel for the respondents states that in case any representation is filed by the petitioner, the same will be decided in accordance with law within a period of three months from the date of receipt of the same.

Keeping in view the above, present writ petition stands disposed of as no further order is required to be passed.

(HARSIMRAN SINGH SETHI)
JUDGE

July 18, 2019
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No