

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 23955 of 2019
Date of decision : 02.09.2019

Simlo Devi

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Saurabh Arora, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the grievance which is being raised by the petitioner is that ad-hoc service, which she had rendered from 05.01.1990 till 22.01.2015 when her services were regularized w.e.f. 23.01.2015 have not been taken into account while calculating the pensionary benefits by the respondents.

Learned counsel for the petitioner argues that keeping in view the provisions of Rule 3.17A of the Punjab Civil Services Rules, Vol. II Part-1, which has already been interpreted by this Court in '**Kesar Chand Vs. State of Punjab and others**', AIR 1988 Punjab 265, daily wage service rendered by an employee followed by regular service, is entitled to be taken into account as a qualifying service for the grant of pensionary benefits. Learned counsel further prays that a direction be issued to

respondent No. 3 to grant the petitioner benefits of ad-hoc service as a qualifying service for computing the pensionary benefits.

Learned counsel for the petitioner further states that for the relief, which has been claimed in the present writ petition, petitioner has served respondents with a legal notice on 26.04.2019 (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 and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 26.04.2019 (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. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to her within a period of next three months.

Writ petition stands disposed of accordingly.

September 02, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*