

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

(210)

CWP-8164-2016

Date of Decision: November 15, 2019

Joginder Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sukhdev S. Kanwal, Advocate, for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

Mr. G.S. Ghuman, Advocate, for respondents No. 2 to 5.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that petitioner has not been granted the benefit of work charge service which he has rendered from 01.01.1980 till 08.09.1987 as a qualifying service for computing the pensionary benefits.

Learned counsel for the petitioner argues that keeping in view the settled principle of law settled by the Full Bench of this Court in **Kesar Chand Vs. State of Punjab, 1988 (5) SLR 27**, petitioner is entitled for treating the daily wage service as a qualifying service for computing the pensionary benefits.

Learned counsel for the respondents has no quarrel with the proposition of law, which is being raised by counsel for the petitioner but submits that as of now, there is no record of the work charge service which the petitioner has rendered as the service book, according to the respondents, was taken by the petitioner himself.

Learned counsel for the respondents states that keeping in view the recent development of which, he has been informed by the Department, is that the service book of the petitioner for the period when he had discharged the service on work charge basis is being reconstructed and three months time will be needed for reconstructing the service book and thereafter, an appropriate order will be passed on the basis of the reconstructed service book for the grant of benefit to the petitioner for the work charge service from 01.01.1980 to 08.09.1987.

Keeping in view the above, the present writ petition is disposed of with the direction to the respondents to reconstruct the service book of the petitioner for the work charge period within a period of three months from today and after the reconstruction of the service book, whatever benefits, the petitioner becomes entitled for, for the period for which the petitioner has rendered service as work charged, shall be granted to him by treating the same as a qualifying service and an appropriate order in that regard shall be passed by the respondents within a period of one months from the date when the service book is re-created. Further, the benefits for which the petitioner is entitled as per the speaking order, shall be released to him within a further period of one month of the passing of the speaking order.

The present writ petition is disposed of, in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

November 15, 2019
harsha

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No