

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.24196 of 2019

DATE OF DECISION:04.09.2019

Yadvinder Singh

... Petitioner

Versus

Punjab State Power Corporation Limited and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sahil Soi, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which is being raised by the counsel for the petitioner is that the work charge service which the petitioner had rendered from 1979 onwards till 31.12.1990 is not counted as qualifying service for the grant of pensionary benefits.

Counsel for the petitioner states that the respondents themselves vide Memo dated 21.09.1993 (Annexure P-4) had admitted that the petitioner had 2790 days work charge service and, therefore, keeping in view the settled principles of law settled by the Full Bench of this Court in **Kesar Chand Vs. State of Punjab and others**, AIR 1988 Punjab 265, the adhoc service is entitled to be counted as qualifying service for the grant of pensionary benefits. He prays that a direction be issued to the respondents to grant the said benefit to the petitioner.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, petitioner has served the respondent with a legal notice dated 07.05.2019 (Annexure P-3), 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 legal notice dated 07.05.2019 (Annexure P-3) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 07.05.2019 (Annexure P-3), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 07.05.2019 (Annexure P-3) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to him within three months thereafter.

September 04, 2019
jt

(HARSIMRAN SINGH SETHI)
JUDGE

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