

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24486 of 2019

Date of decision : 05.09.2019

Samay Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R.S. Sangwan, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

The grievance, which is being raised by the petitioner in the present writ petition, is that daily wage service which he had rendered from 29.06.1995 till 31.09.2003 before regularization of his services, has not been taken into account as a qualifying service for computing the pensionary benefits.

Learned counsel for the petitioner argues that as per the settled principle of law settled by the Full Bench of this Court in '***Kesar Chand Vs. State of Punjab and others'***, AIR 1988 Punjab 265, daily wage service, which is followed by regular service, is entitled to be counted as a qualifying service for computing the pensionary benefits keeping in view the provisions of law which governs the service. Learned counsel for the petitioner further argues that the case of the petitioner is squarely covered

by the said decision in his favour for granting the relief as being prayed in the present writ petition. Learned counsel for the petitioner prays that direction be issued to respondent No. 3 for giving the petitioner benefit of daily wage service as a qualifying service for computing the pensionary benefits.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served respondents with Advance/legal notice dated 20.05.2019 (Annexure P-5), 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 advance/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, respondent No. 3 is directed to decide the advance/legal notice dated 20.05.2019 (Annexure P-5) 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.

Writ petition stands disposed of accordingly.

September 05, 2019
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

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