

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 29871 of 2019

Date of decision : 17.10.2019

Atma Singh

....Petitioner

Versus

Punjab State Power Corporation Limited and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sher Singh, Advocate for
Mr. Madhav Pokhrel, 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 the daily wage service, which he had rendered from March, 1988 till January, 1994 with the respondent-Corporation, has not been taken into account as a qualifying service for computing the pensionary benefits after he superannuated on 28.02.2014.

Learned counsel for the petitioner argues that petitioner has not been given the benefit of Old Pension Scheme even though the services of the petitioner were regularized on 03.08.2006 by the respondents, on the ground that on the date of regularization of the services of the petitioner, New Pension Scheme was in operation, according to which, the petitioner is not entitled for the pension. Learned counsel further argues that the case of the petitioner is squarely covered by the decision of this Court in **CWP No.2371 of 2010** titled as **Harbans Lal Vs. State of Punjab and others**, decided on 31.08.2010, which has already attained finality upto the Hon'ble

Supreme Court of India, according to which, an employee, who was in

service though on daily wage basis prior to 01.01.2004 and his services might have been regularized after the said date, he is entitled to be considered under the Old Pension Scheme for the grant of pensionary benefits. The prayer of the petitioner is for issuance of a direction to the respondent-Corporation for considering the case of the petitioner under the Old Pension Scheme and release all his pensionary benefits.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 18.06.2018 (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 18.06.2018 (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 him within a period of next three months.

Writ petition stands disposed of accordingly.

October 17, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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