

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-29321-2019

Date of decision: - 14.10.2019

Ash Narain and others

....Petitioners

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Chandra Sekhar, Advocate,
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the claim of the petitioners is that work charge service, which they had rendered prior to the regularization of their services, has not been taken into consideration as a qualifying service for computing the pensionary benefits.

Learned counsel for the petitioners argues that as per the settled principle of law settled by a Full Bench of this Court in **Kesar Chand Vs. State of Punjab and others'**, AIR 1988 Punjab 265, the work charge service, which is duly followed by the regularization, is liable to be counted as a qualifying service for the grant of pensionary benefits. Counsel for the petitioners further prays that a direction be issued to the respondents to recalculate their pensionary benefits by

taking into consideration work charge service rendered by them as a qualifying service.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioners have served the respondents with a legal notice dated 29.04.2019 (Annexure P-6), which is still pending consideration with the respondents and the petitioners 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 or the claim being made by the petitioners, the respondents are directed to decide the legal notice dated 29.04.2019 (Annexure P-6) 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 petitioners are entitled for any monetary benefit, the same shall also be released to them within a period of three months thereafter.

Further, in case after decision of the legal notice dated 29.04.2019 (P-6) it is found that the petitioners are entitled for the benefit, as being claimed, they shall not be granted the benefit of arrears upto the date of the filing of the writ petition.

Present writ petition stands disposed of.

(**HARSIMRAN SINGH SETHI**)
JUDGE

October 14, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	No