

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

CWP-30396-2019

Date of decision: - 13.11.2019

Gulab Singh

....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Narinder Singh Behgal, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

The grievance of the petitioner in the present writ petition is that though he has retired from service on attaining the age of superannuation on 30.11.2018, but the benefits for which he is entitled for such as gratuity and commutation of pension, have not been released on the ground that there was a charge-sheet, pending on the date when he retired.

Counsel for the petitioner argues that the said charge-sheet has already been decided and there is no impediment in the release of the pensionary benefits now. Counsel for the petitioner further argues that even the daily wage service, which the petitioner had rendered from 12.01.1979 till the year 1990, has not been counted as qualifying service for computing the pensionary benefits though his case is squarely

covered by a judgment of Full Bench of this Court in '**Kesar Chand Vs. State of Punjab and others**', AIR 1988 Punjab 265.

Counsel for the petitioner states that the grievance of the petitioner is that as he was handicapped, he was entitled to extension in service till the age of 60 years, keeping in view the policy dated 31.01.2006 (Annexure P-3), but the said benefit has not been extended to the petitioner without any valid justification. The prayer of the petitioner is for the release of his pensionary benefits forthwith by giving him the benefit of daily wage service as well as for the grant of extension in service keeping in view the policy dated 31.01.2006 (P-3).

Counsel for the petitioner further states that for the reliefs, which have been sought in the present writ petition, petitioner has served the respondents with a legal notice dated 04.09.2019 (Annexure P-6), 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.

Notice of motion.

Keeping in view the advance copy supplied to the respondents, Mr. Himanshu Arora, Advocate, who is present in the Court, accepts notice.

Counsel for the respondents states that respondents have no objection in case the prayer made by the counsel for the petitioner with regard to disposal of the above-said legal notice within a time bound manner is accepted.

In view of the above, without expressing any opinion on the

merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 04.09.2019 (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 petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of three months thereafter.

Present writ petition stands disposed of.

November 13, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No