

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 29958 of 2019

Date of decision : 17.10.2019

Gurnam Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Mohnish Sharma, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

The grievance of the petitioner is that prior to the regularization of the services of the petitioner on 13.05.1988, petitioner had rendered service on daily wage basis from 01.05.1979 till 12.05.1988 and the said service has not been counted as a qualifying service for computing the pensionary benefits after he retired from service on 30.06.2014.

Learned counsel for the petitioner argues that keeping in view the settled principle of law as settled by a Full Bench of this Court in '**Kesar Chand Vs. State of Punjab and others**', AIR 1988 Punjab 265, an employee is entitled for counting the daily wage service as a qualifying service for computing the pensionary benefits and the action of respondents in not granting the benefit of daily wage service from 01.05.1979 till 12.05.1988 is contrary to the settled principle of law settled by this Court in

Kesar Chand's case (supra). The prayer of the petitioner is for directing the respondents to count the daily wage service of the petitioner as a qualifying service and re-calculate the pensionary benefits and pay the arrears to the petitioner.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has submitted a representation dated 20.11.2018 (Annexure P-5) to the respondents, 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 representation.

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 representation dated 20.11.2018 (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.

October 17, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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