

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

CWP No. 35465 of 2019

Date of Decision : 06.12.2019

Krishana

....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- None for the petitioner.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the grievance which is being raised by the petitioner is that her late husband, namely, Dharamvir, had worked on daily wage basis from 15.12.1980 till 12.06.1993, after which the services of the late husband of the petitioner were regularized but the said period starting from 15.12.1980 till 12.06.1993 has not been taken into account as a qualifying service for computing the pensionary benefits, which is not only contrary to the rules governing the service but is also against 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. The prayer of the petitioner is for directing the respondents to take into account the daily wage service rendered by her late husband as a qualifying service and for re-computing the benefit for which she becomes entitled after the

death of her husband.

From the pleadings, it transpires that for the relief, which has been sought in the present writ petition, petitioner has served the respondents a legal notice dated 13.09.2019 (Annexure P-4) which is still pending consideration.

Interest of justice will be served, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice by passing an appropriate speaking order.

Without expressing any opinion on the merits of the case and entitlement of the petitioner in respect of the claim made in the writ petition/legal notice, the respondents are directed to decide the legal notice dated 13.09.2019 (Annexure P-4) 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 her within a period of next three months.

Present writ petition stands disposed of.

December 06, 2019
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No