

**106 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.1533 of 2020 (O&M)
Date of Decision: January 21, 2020**

Sat Paul

.... Petitioner

Versus

Punjab State Power Corporation Limited and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kanwaljeet Singh, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner states that the petitioner was initially appointed on 09.11.1976 on work-charge basis and he continued discharging his duties as such till 09.06.1988, when the services of the petitioner were regularized.

Learned counsel for the petitioner further states that the petitioner continued serving the respondents till he attained the age of superannuation on 30.04.2010. Learned counsel for the petitioner states that the petitioner has 34 years of service to his credit up to the date of retirement but while computing the pensionary benefits of the petitioner, the work-charge service, which the petitioner had rendered from 1976 to 1988, has not been taken into account as qualifying service for computing the pensionary benefits.

Learned counsel for the petitioner argues that keeping in view the settled principle of law as settled by the Full Bench of this Court in case of *“Kesar Chand vs State of Punjab and others”, 1988(5) SLR 27*, the work-charge service followed by the regular service is to be taken into account as qualifying service for computing the pensionary benefits and

therefore, the petitioner is entitled for the benefits of full service starting from November, 1976 till 30.04.2010 as qualifying service for computing the pensionary benefits. Prayer of the petitioner is for issuance of a direction to the respondents to re-calculate the qualifying service of the petitioner and consequent pensionary benefits and release the revised benefits to the petitioner forthwith.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served legal notice dated 04.11.2019 (Annexure P-5) upon 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 same by passing an appropriate speaking order in accordance with law.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No.2 is directed to decide the legal notice dated 04.11.2019 (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.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

January 21, 2020

sarita

Whether speaking/reasoned	Yes
Whether reportable	No