

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2137 of 2020

DATE OF DECISION:28.01.2020

Balkar Singh

... Petitioner

Versus

Punjab State Power Corporation Ltd. and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rimple Saini, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel for the petitioner states that the petitioner had served the respondents on work-charge basis from 01.05.1983 to 19.07.1999, after which the services of the petitioner were regularized w.e.f. 20.07.1999 and ultimately the petitioner retired from service on attaining the age of superannuation on 31.05.2012.

Learned counsel for the petitioner argues that while computing the pensionary benefits for the petitioner, the period of work-charge services from 01.05.1983 to 19.07.1999, which the petitioner had rendered with the respondents prior to his regularization of service was liable to be treated as a qualifying service, but the respondents had only granted the benefits of regular services of the petitioner from the period 20.07.1999 to 31.05.2012 for computing the pensionary benefits, which act of the respondents is

contrary to the law laid down by the Full Bench of this Court in case of

“Kesar Chand vs State of Punjab and others”, AIR 1988 PUNJAB 265.

Prayer of the petitioner is for the issuance of a direction to the respondents to take into account the work-charge services rendered by the petitioner from 01.05.1983 to 19.07.1999 as a qualifying service for computing the pensionary benefits and release the arrears along with interest.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has submitted a representation dated 28.11.2019 (Annexure P-1) with the respondents, which is still pending consideration with the respondents and the petitioner will be satisfied, if a time bound direction is issued to respondent No.1 to decide the same by passing an appropriate speaking order in accordance with law.

Keeping in view the advance copy given, Mr. Pawan Kumar, Advocate, accepts notice on behalf of the respondents and waive off the service and raises no objection in deciding the claim of the petitioner as being made by him in representation dated 28.11.2019 (Annexure P-1) in a time bound manner by passing a speaking order, as per the settled principle of law.

In view of the request made, without expressing any opinion on the merits of the case or on the claim being made by the petitioner, respondent No.1 is directed to decide the representation dated 28.11.2019 (Annexure P-1), 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.

January 28, 2020
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No
Whether reportable : Yes / No