

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

**CWP No.1897 of 2020 (O&M)
Date of decision : January 24, 2020**

Banwari Lal

..... Petitioner

Versus

The Punjab State Power Corporation Limited 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 01.06.1980 to 14.12.1995, after which the services of the petitioner were regularized and the petitioner retired from service on attaining the age of superannuation on 28.02.2017.

Learned counsel for the petitioner argues that while computing the pensionary benefits for the petitioner, the period of work-charge services from 01.06.1980 to 14.12.1995, 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 15.12.1995 to 23.02.2017 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 01.06.1980 to 14.12.1995 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 23.11.2019 (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 23.11.2019 (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 23.11.2019 (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.

(HARSIMRAN SINGH SETHI)
JUDGE

January 24, 2020

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Whether speaking / reasoned	Yes
Whether Reportable:	No