

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

**CWP No.1909 of 2020 (O&M)
Date of decision : January 24, 2020**

Sh. Tarsem Singh

..... Petitioner

Versus

Punjab State Power Corporation Ltd and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Bandana Dogra, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Grievance which is being raised by the learned counsel for the petitioner in the present writ petition is that work-charge services rendered by the petitioner with the respondents from 01.01.1983 to 26.05.1999 has not been taken into account as a qualifying service for computing the pensionary benefits and the petitioner is only being granted the pensionary benefits for the service, which the petitioner had rendered on regular basis i.e. from 27.05.1999 to 31.03.2010, the petitioner retired from service on attaining the age of superannuation, which is contrary to settled principle of law.

Learned counsel for the petitioner further 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*”, AIR 1988 PUNJAB 265, work-charge service, which an employee had rendered, is to be treated as a qualifying service for computing the pensionary benefits. Prayer of the petitioner is for issuance of a direction to the respondents to grant the petitioner the benefits of work-charge service rendered by him from 01.01.1983 to 26.05.1999 as a qualifying service and re-compute the pensionary benefits and grant the arrears along with interest.

The petitioner retired from service on 31.03.2010 whereas, the present writ petition is being filed approximately 10 years after his retirement. Even the representation, which the petitioner has made claiming his benefits was filed in November, 2019. Nothing has come on record as to why, the petitioner remained silent for a period of nine years after his retirement, in respect of the claim made in the present writ petition.

Counsel for the petitioner argues that for the relief which has been sought in the present writ petition, petitioner has served a legal notice dated 16.12.2019 (Annexure P-4) 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 respondent No.3 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 on the claim being made by the petitioner, respondent No.3 is directed to decide the legal notice dated 16.12.2019 (Annexure P-4), 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

sarita

Whether speaking / reasoned

Yes Whether Reportable: No