

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2156 of 2020

DATE OF DECISION:28.01.2020

Darshan Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajeev Dev Sharma, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner states that the petitioner had rendered service on work charge basis from 07.05.1998 till 13.03.1996, when the services of the petitioner were regularized.

Counsel for the petitioner argues that the petitioner retired on attaining the age of superannuation on 31.03.2018 but while computing the pensionary benefits of the petitioner, the work charge service, which the petitioner had rendered from 07.05.1988 till 13.03.1996 has not been taken into account as qualifying service, which is contrary to the settled principles of law as laid down by the Full Bench of this Court in ***Kesar Chand Vs. State of Punjab and others, 1998(2) PLR 223.***

The prayer of the petitioner is for issuance of a direction to the respondents to recompute the pensionary benefits of the petitioner after taking into consideration the work charge service, which the petitioner had rendered from 07.05.1988 till 13.03.1996 as the qualifying service.

Counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, the petitioner has served a legal notice dated 17.09.2019 (Annexure P-1), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case, a time bound direction is given to respondent No.2 to decide the legal notice dated 17.09.2019 (Annexure P-1).

Without expressing any opinion on the merits of the case and entitlement of the petitioner in respect of the claim made in the legal notice dated 17.09.2019, respondent No.2 is directed to decide the legal notice dated 17.09.2019 (Annexure P-1) within a period of three months from the date of receipt of a certified copy of this order.

In case it is found that the petitioner is entitled for any relief, 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