

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3060 of 2020

Date of decision: 05.02.2020

Gurdeep Singh

.... Petitioner

versus

The Punjab State Power Corporation Limited and another ... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the petitioner who retired from service on attaining the age of superannuation on 31.03.2019 is aggrieved against the action of the respondents in not granting him the benefit of daily wage basis as well as on contract basis, which he rendered from 01.02.1997 to 31.08.2010 as qualifying service for computing his pensionary benefits. Learned counsel for the petitioner argues that as per the settled principle of law settled by Full Bench of this Court in **Kesar Chand Vs. State of Punjab 1998 (2) PLR 223**, the service rendered by an employee on daily wage basis or contract basis before his regularisation is liable to be counted as qualifying service for computing his pensionary benefits. Prayer of the petitioner is for issuance of a direction to the respondents to recalculate the qualifying service of the petitioner and grant the petitioner consequential benefits forthwith.

Learned counsel for the petitioner states that for the relief, which is being claimed in the present writ petition, the petitioner has served the

respondents with legal notice dated 26.11.2019 (Annexure-P/7), 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.2 to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondent No.2 is directed to decide legal notice dated 26.11.2019 (Annexure-P/7) 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

05.02.2020

- aarti* 1. Whether speaking/non-speaking?
2. Whether reportable?

Yes/No
Yes/No