

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP No. 3866 of 2020

Date of Decision : 13.02.2020

Bakhshish Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rakesh Kumar, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

As per the facts mentioned in the writ petition, the petitioner joined the Punjab Electricity Board on 18.08.1968 and remained in service upto the year 1978, when his services were terminated.

Learned counsel for the petitioner states that the petitioner challenged the order terminating his services and in the year 1990, a compromise was effected between the petitioner and the respondents that petitioner will be reinstated in service but without back wages and his services from the year 1978 to 1990 i.e. the period for which the petitioner remained out of service, will be taken into account for other benefits.

Learned counsel further states that after the petitioner attained the age of superannuation in the year 2005, the benefit of the service, which the petitioner had rendered from the year 1978 to 1990, has not been taken into account as a qualifying service for computing the pensionary benefits on the ground that no wages were paid for that period. The prayer of the petitioner is that once he was given continuity of service keeping in view

the settlement between the parties, the service from the year 1978 to 1990 is also liable to be taken into account as a qualifying service for computing the pensionary benefits.

On being pointed out as to why the petitioner has filed the present writ petition after 15 years of retirement, no satisfactory reply has come forward explaining the delay in approaching this Court.

Faced with this situation, learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 29.10.2019 (Annexure P-4), 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 the respondents to decide the said legal notice by passing an appropriate speaking order in a time bound manner.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 29.10.2019 (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, it is found that petitioner is entitled for the relief, he will only be given the arrears for three years and two months prior to serving legal notice.

Writ petition stands disposed of accordingly.

February 13, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*