

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5225-2020

Date of decision: - 27.02.2020

Bharat Bhusan

...Petitioner

Versus

Punjab State Power Corporation Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. H.K. Brinda, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel for the petitioner states that the petitioner was granted the promotion on the post of Auxiliary Plant Attendant (for short 'APA'), vide order dated 08.01.2018 w.e.f. 26.02.2016.

Learned counsel for the petitioner argues that after the petitioner had already retired from service, his pensionary benefits have not been fixed by taking the pay of the petitioner as APA and no consequential benefit has been granted to him so far. Further, grievance of the petitioner is that even work charge service, which he had rendered from 16.06.1980 to 31.03.1994 has also not been taken into account as a qualifying service for computing the pensionary benefits and the said action is contrary to the settled principle of law settled by the a Full Bench of this Court in '**Kesar Chand Vs. State of Punjab and others**', AIR 1988 Punjab 265.

The prayer of the petitioner is for issuance of a direction to the respondents to grant him the benefit of fixation of his pay as APA

with effect from the date he has been promoted and thereafter, compute his pensionary benefits on the basis of the pay, which he would be getting as APA on the date of his superannuation i.e. 31.12.2017 and grant the petitioner the benefit of arrears with regard to the retiral benefits as well as the grant of the benefit of work charge-service as a qualifying service.

Learned counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has submitted a representation dated 27.07.2018 (Annexure P-5) to respondent No.2, which is still pending consideration with respondent No.2 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 representation.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No.2 is directed to decide the representation dated 27.07.2018 (Annexure P-5) 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

February 27, 2020
naresh.k

Whether reasoned/speaking?
Whether reportable?

Yes
No