

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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**CWP No.10534 of 2020
Date of decision:24.07.2020**

Inderpal Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Himmat Singh Sidhu, Advocate for
Mr. Jasbir Singh Mohri, Advocate for the petitioners.

SUVIR SEHGAL J. (ORAL)

This matter has been taken up for hearing through video conferencing due to Covid-19 Pandemic.

Prayer in the instant petition is for issuance of a writ in the nature of mandamus directing the respondents to count the daily wage service rendered by the petitioners as Special Police Officers (SPOs) before their respective regularization as qualifying service for the purpose of pensionary benefits.

Counsel for the petitioner submits that the petitioners were appointed as SPOs on different dates between the years 1992 to 1995 on daily wage basis. There was no break in their service. A suitability test was held in which all the petitioners were successful and were appointed as Constables and allotted constabulary numbers between the period 1998 to 2002. Counsel has relied on Rule 3.17A of the Punjab Civil Service Rules, Vol. II, to urge that the daily wage service rendered by the petitioners as SPOs is liable to be counted for the purposes of their retiral benefits. Counsel urges that the claim of the petitioners is covered by

judgment of Division Bench of this Court in CWP No.2371 of 2010, ***Harbans Lal Vs. State of Punjab and others***, decided on 31.08.2011, Annexure P-4 which was affirmed up to the Hon'ble Supreme Court. Still further, counsel has relied upon judgment dated 07.01.2016, Annexure P-7 passed by this Court in CWP No.24472 of 2015, ***Constable Rajesh Kumar and others Vs. State of Punjab and others*** whereby this Court directed the respondents to count the period during which the petitioners worked as SPOs, as qualifying service for the purpose of pension. He submits that before approaching this Court, the petitioners served a legal notice dated 19.03.2020, Annexure P-11, but the same has not yielded any result.

Counsel contends that the petitioners, at this stage, would be satisfied if a direction is issued to the competent authority to examine the claim raised by the petitioners in the legal notice within a specified time frame. The request made by the counsel is just and fair.

Without adverting to the merits of the claim raised by the petitioner in the writ petition or in the legal notice, this petition is disposed of with a direction to respondent No.2/competent authority to consider and decide the legal notice dated 19.03.2020, Annexure P-11, submitted by the petitioners within a period of four months from the date of receipt of certified copy of this order.

Writ petition stands disposed of.

24.07.2020

pooja saini

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No