IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(116) **CWP No. 13648-2020**
Date of Decision : 04.09.2020

JAGGA SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jugam Arora, Advocate for
Mr. P.K. Goklaney, Advocate for the petitioner.

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Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the prayer of the petitioner is that the service, which he has rendered on the muster roll/daily wage basis, be counted for the calculation of the pensionary benefits including the gratuity.

Learned counsel for the petitioner argues that the petitioner had initially joined the service on 01.05.1989 and he worked for a period of one year after which his services were terminated on 27.07.1990, which action was challenged by him before the Labour Court and the Labour Court passed award in February, 1994 reintstated the petitioner with continuity of service with full back wages. Learned counsel for the the petitioner submits that in pursuance to the Award of the Labour Court, petitioner rejoined the service on 09.05.1995 and thereafter his services were regularized on 19.09.2001 and ultimately, petitioner superannuated on 31.07.2016.

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Learned counsel for the petitioner submits that the petitioner has not been given the benefit of service from the year 1989 onwards till 2001 and his pensionary benefits have only been calculated for the regular service which he had performed, which is contrary to the law. The prayer of the petitioner is for giving him the benefit of total length of service starting from 01.05.1989 till 31.07.2016 for computing the pensionary benefits including gratuity.

Learned counsel for the petitioner submits that for the relief which has been claimed in the present writ petition, petitioner has already served upon the respondents with a legal notice dated 07.05.2020 (Annexure P-10), which is still pending consideration with the respondent-authorities and petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the same by passing an appropriate speaking order in accordance with law.

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. 4 is directed to decide the legal notice dated 07.05.2020 (Annexure P-10) by passing a speaking order within a period of three months. 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.

September 04, 2020 **(HARSIMRAN SINGH SETHI)**
kanchan/naresh.k **JUDGE**

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

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