

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.362 of 2015(O&M)
DECIDED ON : 19.02.2020

Om Parkash

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present : Mr. R.K. Handa, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

GIRISH AGNIHOTRI, J. (ORAL)

The present petition has been filed by petitioner-Om Parkash, *inter alia*, praying for directions to the respondents to count daily wages period in the department since 1984 and consider the case of the petitioner with regard to the grant of pension benefits and other allowances.

It is the pleaded case of the petitioner that he has been regularized in service on 01.10.2009.

Records of the case show that notice of motion, in this case was issued on 12.01.2015. Thereafter, reply was filed by the respondents on 21.07.2016 by way of short affidavit of Sh. Mohan Lal, PPS, Assistant Commandant, 82nd Battalion, PAP, Chandigarh.

Learned State counsel further informs the Court that on 16.01.2019, after the last order had passed by this Court dated 04.09.2018, short reply has been filed. Para 4 of the reply reads as under:-

“On perusal of the present writ petition, it has been found that the instant writ petition is squarely covered by a judgment dated 31.08.2010, passed by a Division Bench of this Hon'ble Court in CWP No.2371 of 2010, titled as

Harbans Lal Vs. State of Punjab and others. It is submitted that the petitioner had rendered daily wage service as Dhobi before his regularization.

That the respondents are filing short reply by way of short affidavit at this stage, without prejudice to their right to file a detailed reply, if the situation so warrants.

In view of the above, it is respectfully prayed that the present writ petition may kindly be disposed of accordingly.”

Learned counsel further submits that in view of this, no further orders are called for.

Learned counsel for the petitioner submits that the compliance of the above be directed to be done within a time bound frame.

This Court deems it appropriate to dispose of the writ petition with the following directions:-

- i) The respondents shall pass consequential orders in compliance of para 4 of the affidavit dated 16.01.2019 since inspite of one year having already elapsed, no orders have so far been passed. Let the needful be done within a period of four weeks from the date of receipt of certified copy of this order.
- ii) The said orders be communicated to the petitioner and his counsel within the aforementioned time.
- iii) The petitioner is at liberty to represent against any of the relief if not granted or not completely granted.
- iv) The petitioner is also granted liberty to challenge any of the action of the respondents, if so aggrieved.

(GIRISH AGNIHOTRI)
JUDGE

February 19, 2020
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Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO