

CWP No.4022 of 2015
Date of Decision: 03.02.2020

Phool Singh

.....Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. B.K. Bagri, Advocate
for the petitioner.Mr. C.S. Bakhshi, Advocate
for the respondents.**NIRMALJIT KAUR, J. (ORAL)**

The present writ petition is filed seeking a direction to the respondents to count his services on daily wages, followed by regular service of the petitioner, the details of which are given in para 2 of the petition for the purposes of grant of retiral benefits along with interest at the rate of 18%.

Reply has been filed.

Para No.2 of the said reply is as under:-

“2. That the contents of para No.2 of the writ petition are admitted being matter of record. It is further submitted that the petitioner was retired from the Nigam on 31.12.2009 on attaining age of superannuation. All pensionary benefits were released to the petitioner vide PPO No.5882/CGM/Pension-6051/DHBVN dated 18.03.2010 excluding the pensionary benefits of daily wages service. A copy of the same is annexed as Annexure R1. The petitioner has rendered the daily wages service for the period from 25.05.1981 to 17.01.1993 in Board/Nigam as per office record. According to instructions of the Nigam the petitioner has submitted his option for counting

the daily wages service towards pensionary benefits. The office has issued the office order No.35 dated 12.03.2013 for regularization of daily wages service only for purpose of pensionary benefits. Copy of the said order is annexed as Annexure R2. Thereafter the office perused the matter with competent authority to issue revise pay pension order. The competent authority has considered the case and issued the revised pay pension order vide his memo No.557/CGM/Pen/6051 dated 09.04.2013. Copy of the same is annexed as Annexure R3.

On the revised pay pension the office issued a cheque bearing No.236184 of Rs.92039/- to the petitioner on account of revised pension/commutation/gratuity. Copy of receipt is annexed as Annexure R4.

The GM/Administration DHBVN, Hisar has issued instruction vide his office memo No.CH-218/GM/Admn./Gen-165 dated 16.01.2014 that entire wages service is countable for the purpose of pensionary benefits instead of half daily wages service. Copy of the same is annexed as Annexure R-5. As per above instruction the office has issued another office order No.6 dated 16.01.2015 by partially modifying the office order No.35 dated 12.03.2013 vide which the full daily wages service w.e.f. 25.05.1981 to 17.05.1993 of petitioner was sanctioned. Copy of the same is annexed as Annexure R-6. In view of the above instruction, the revised pension case of the petitioner was again sent to the competent authority. The competent authority has sanctioned the pay pension order vide its office memo No.1896/Admn./Pension dated 15.04.2015. Accordingly to this revised pay pension order the office has issued a cheque bearing No.349928 dated 23.04.2015 amounting to Rs.2,02,229/- (Rs. Two lac two thousand two hundred twenty nine only) in favour of the

petitioner on account of arrear of pension/gratuity/commutation etc. Copy of receipt dated 23.04.2015 is attached as Annexure R-7.

In view of the above, it is humbly submitted that all pensionary dues have been already released to the petitioner and nothing is outstanding now. Therefore, answering respondents seek kind indulgence of this Hon'ble Court to dismiss the writ petition filed by the petitioner with costs.”

Admittedly, the arrears after counting his service on daily wages have since been paid. Therefore, the petition is rendered infructuous. At this stage, learned counsel submitted that the interest has not been paid. However, there is nothing to show that the said delay was at the behest of the respondents especially when the said arrears were paid in pursuance to the subsequent instructions dated 16.01.2014. There is nothing on record as to whether the delay, if at all, was intentional in any manner.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

03.02.2020

sandeep

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