

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CWP No.19844 of 2020
DATE OF DECISION : 24th NOVEMBER, 2020

Malkiat Singh

.... **Petitioner**

Versus

The Chandigarh Administration & others

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

=====
In virtual Court
=====

Present : Mr. Gaurav Sharma, Advocate for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to count the service rendered by the petitioner on daily wage basis from 01.05.1976 to 17.05.1985 as qualifying service for the purpose of pension and other pensionary benefits in view of the judgment dated 02.06.1988, passed by Full Bench of this court in ***Kesar Chand Vs. State of Punjab, 1988(5) SLR 27***, wherein it has been held that the service rendered by an employee on contract/daily wage/work charge/adhoc, has to be counted as a qualifying service for the purpose of pension and other pensionary benefits, and for grant of all the consequential benefits.

It is submitted by the counsel for the petitioner that the issue involved in the present petition is regarding counting of the service rendered by the petitioner on daily wage basis, followed by his regularization, towards pension. This issue has already been settled by the Full Bench of this Court; in case of ***Kesar Chand Vs. State of Punjab, 19885(5) SLR 27***, which has also been followed by the Division Bench of this court; to hold that the daily wages service of the employees, which is followed by regularization, has to be counted towards pension. It is further submitted by the counsel for the petitioner that; at this stage, the petitioner would be satisfied if his representation, which he has made to the authorities and which is attached with the present petition as Annexure P-4 in the shape of legal notice, is considered and a conscious decision is taken thereon by passing a speaking order.

Notice of motion.

Mr. Jagjit Singh Lalli, APP, for UT Chandigarh accepts notice on behalf of the respondents and submitted that the respondents have no objection to the expeditious consideration of the representation/claim of the petitioner.

In view of the above, the present petition is disposed of with direction to the respondents to consider the legal notice at Annexure P-4 served by the petitioner upon them; and to take a final decision thereon by passing a speaking order; within a period of two months from the date of receipt of certified copy of this order.

It is further ordered that in case the petitioner is found entitled to any benefit on account of such consideration, then such benefit

shall be released to the petitioner within a further period of one month from the date of such consideration.

The petition stands disposed of with above said directions.

24th NOVEMBER, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No