

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

CWP-20903 of 2020
Date of decision 07.12.2020

Nathu Ram

...Petitioner

Vs.

D.H.B.V.N.L and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. B.K. Bagri, Advocate
for the petitioner.

Ritu Bahri, J. (Oral)

Petitioner is seeking issuance of direction to count the daily wages services from 16.02.1982 to 20.05.1983 followed by regular service of the petitioner, the details given in para No. 2 of the writ petition, for the purposes of granting retiral benefits after counting the daily wages service.

Petitioner was appointed on daily wages basis on 16.12.1982 and thereafter his services were regularized as regular RCM on 20.05.1993 under XEN, Construction Division, Rewari. Petitioner now stood retired on 31.05.2018 after serving for 25 years but was not granted the benefits of revised pensionary benefits ie. leave encashment, gratuity and commutation of pension whereas the similar situated persons were granted the benefits after counting their daily wages services followed by regularization.

Learned counsel submits that the case of the petition is squarely covered by the judgment of Hon'ble Apex Court titled as ***DHBVNL vs.***

Bachan Singh, RSJ 2010 (1) 284. Reference has been then made to

judgment of Hon'ble the Supreme Court in a case of ***State of Haryana vs.***

Kesho Ram, passed in Civil Appeal No. 1772-2009, decided on 10.12.2009

(P-8). Further reference has been made to Division Bench judgments of this Court in cases titled as ***Gurdev Singh vs. HVPNL and others, 2007 (2) RSJ 99 and Dharam Pal vs. The SE, UHBVNL and others, 2007 (2) RSJ 422.*** Further this Court in LPA NO. 1254-2009 titled as ***Balwant Singh vs. State of Haryana and others, RSJ 2011 (2) 397*** held that in the matter of pay scale there is continuing cause of action because the employee suffer loss every month. Thus, there is no delay in the matter of pay scale and higher pay scale.

Issue notice of motion.

On asking of the Court, Ms. Deipa Singh, Addl.A.G. Haryana accepts notice and will inform the counsel on the panel of DHBVNL.

Without expressing any opinion on the merits of the case, the present petition stands disposed of by giving direction to respondents to pass speaking order on legal notice dated 04.09.2020 (P-5) within a period of four months from the date of receipt of certified copy of this order. Further if the petitioner is held entitled to the retiral benefits, the same be released to him within the above period.

07.12.2020
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No