

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

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**CWP No.1138 of 2021
Decided on :18.01.2021**

Gurbachan Singh

... Petitioner

Versus

The Chandigarh Administration U.T. Chandigarh and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

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

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India seeks directions for issuance of a writ in the nature of mandamus by directing the respondents to count the previous service rendered by the petitioner on daily wages basis from 01.09.1987 to 31.07.1998 and on work charge basis from 01.08.1998 to 30.09.2001. The said period is sought to be treated as qualifying for the purpose of pension and other pensionary benefits, as per the judgment of the Full Bench passed in '**Kesar Chand Vs. State of Punjab '1988 (5) SLR 27 (Annexure P-4).**

Counsel submits that legal notice dated 04.12.2020 (Annexure P-3) has been served upon the respondents for the necessary relief, but the same has not been acted upon. It is the case of the petitioner that he had worked as Driver on daily wages basis and work charge basis with the Department of Public Health Division, Municipal Corporation, Chandigarh for more than 30 years and had been superannuated on 31.12.2017. His

service had been regularized on 01.10.2001 and thus the said claim has been made. He, accordingly, submits that he would be satisfied at this stage if the said legal notice is decided by the competent authority, within a fixed time frame.

Keeping in view the fact that the decision making is incomplete, this Court is of the considered opinion that it is not necessary to call upon the respondents for filing reply, as it would delay the proceedings.

Accordingly, without commenting upon the merits of the case and the entitlement of the petitioner, the present writ petition is disposed off with the direction to the respondents/competent authority to decide the legal notice dated 04.12.2020 (Annexure P-3) within a period of three months from the date of receipt of the certified copy of this order. In case, the petitioner is held entitled, for counting of the said period, necessary benefits be disbursed to him thereafter within a period of three months. In case, the relief is not admissible and the said period is not liable to be counted for purposes of pension, reasoned order be passed and communicated to the petitioner forthwith.

Disposed off.

JANUARY 18, 2021

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No