

S.No.111

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

CWP No.5808 of 2021

Date of Decision:12.03.2021

Kamal Singh

.....Petitioner

Vs.

State Bank of India and others

.....Respondents

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

Present:- Mr. Kartar Singh Malik-I, Advocate for the petitioner.

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

G.S. SANDHAWALIA, J.(Oral)

The petitioner claims challenge to the order dated 01.07.2014 (Annexure P.4) whereby his service has been considered of 13 years instead of the alleged service of 22 years 3 months. Resultantly, the pensionary benefits are claimed from the date of retirement i.e. 01.07.2014 for the period of 22 years 3 months.

The present writ petition has been filed after 7 years of the pension order and in such circumstance, this Court is of the opinion that it would also be a matter of fact regarding the nature of work, the petitioner was doing and whether he was a full time worker or not, as would be clear from the letter dated 15.11.2011 (Annexure P.3) wherein it has been mentioned that his pay has been upgraded from 3/4th scale wages to full scale wages w.e.f. 01.04.2011. Similarly communication (Annexure P.2) would go to show that initially he was drawing salary of 1/3rd on 01.04.1993 as peon-cum-sweeper.

In such circumstances, there is an alternate remedy as such available to the petitioner to redress his grievance before the competent

Court of Civil Jurisdiction or before the Industrial Tribunal and the extra-ordinary jurisdiction is not liable to be invoked on account of the above facts.

Faced to the situation, Mr. Malik submits that he may be given liberty to avail his alternate remedy.

Disposed of with the above-said liberty.

March 12, 2021
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(G.S. SANDHAWALIA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No