

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106

CWP-20212-2018 (O&M)

Date of Decision: 09.09.2021

Surinder Kumar

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Jatinderpal Singh, Advocate for the petitioner

Mr. Ayush Sarna, AAG Punjab

Mr. Sanjeev Soni, Advocate for respondent No.3

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

CM-10726-CWP-2021

With the consent of learned counsel for the parties, the date of hearing of the main case is preponed and is taken up today itself for final disposal.

CM stands disposed of.

Main case (O&M)

(1) The petitioner, *inter alia*, seeks a direction to the respondents to count his entire daily wage service rendered before regularization as qualifying service for pension/retiral benefits and accordingly, he be held entitled to receive pensionary benefits under the old pension scheme. It is contended that the claim of the petitioner is supported by various decisions of this Court as well as the Hon'ble Supreme Court. Reliance is placed on a Division Bench judgment of this Court in **CWP-2371-20 (Harbans Lal vs.**

State of Punjab & Ors.) decided on 31.08.2010 which has attained finality before the Hon'ble Supreme Court.

(2) Learned counsel for the petitioner submits that the petitioner would be satisfied if similar order as passed vide order dated 22.07.2021 in **CWP-13275-2021 (Mandeep Singh vs. State of Punjab & Ors.)**, is passed in the present case wherein a direction was issued to the respondents to consider the case of the writ-petitioner in terms of the decision of this Court in **CWP-637-2017 (Yog Raj vs. State of Punjab & Ors.)** decided on 25.11.2019.

(3) Learned counsel for the State has no objection to this effect.

(4) Accordingly, without commenting upon the merits of the case and in view of the stand taken by the parties, the writ petition is disposed of with a direction to the competent authority i.e. respondent No.3 to consider the case of the petitioner and decide the representation dated 10.02.2016 (P11) filed by the petitioner, sympathetically, in view of **Yog Raj's** case, expeditiously, in accordance with law, maximum within 3 months from the date of receipt of certified copy of this order.

So ordered.

09.09.2021
Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No