

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(124)

CWP-4793-2022

Date of Decision : March 10, 2022

Suresh Kumar and another

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanjiv Gupta, Advocate, for the petitioners.

Mr. Raman Kumar Sharma, Additional A.G., Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioners submits that in the present case, though, the respondents-State has already issued instructions with regard to taking into consideration the daily wage service rendered by an employee prior to the regularization of service for computing his pensionary benefits but in the case of the petitioners, the same are not being applied for for the reason best known to the department. Learned counsel for the petitioners further submits that not only the instructions but even as per the settled principle of law, the adhoc service rendered by an employee prior to the regularization of his service is to be treated as qualifying service for computing the pensionary benefits, hence, the action of the respondents in not giving the benefit of adhoc service which the petitioners had rendered

while computing his pensionary benefits, is totally arbitrary and illegal. Learned counsel for the petitioners further submits that the grievance which is being raised by the petitioners in the present writ petition, has already been raised before the respondents authorities in the representation dated 05.09.2021 (Annexure P-9) and thereafter, once again in the representation dated 07.01.2022 (Annexure P-10), which are still pending consideration with the respondent authorities and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to respondent No.3 to decide the said representations by passing an appropriate speaking order.

Notice of motion.

Mr. Raman Kumar Sharma, learned Additional Advocate General, Haryana, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondents-State.

Learned counsel for the respondents raises no objection in deciding the representations of the petitioners in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the representations dated 05.09.2021 (Annexure P-9) and 07.01.2022 (Annexure P-10) respectively, the present writ petition is disposed of with a direction to respondent No.3 to decide the representations dated 05.09.2021 (Annexure P-9) and 07.01.2022 (Annexure P-10) respectively within a period of eight weeks from the date of receipt of copy of this order.

In case, it is found that the petitioners are entitled for the monetary benefits after the decision of the representations, the same should

also be paid to the petitioners within four weeks thereafter.

March 10, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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