

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

**112**

**CWP-7169-2022**

**Date of decision : 02.08.2022**

**SHIV KUMAR**

..... Petitioner

**VERSUS**

**STATE OF HARYANA AND OTHERS**

..... Respondents

**CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

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Present :- Ms. Ramanjit Kaur Basota, Advocate for  
Mr. Rohit Choudhary, Advocate  
for the petitioner.

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**HARSIMRAN SINGH SETHI, J. (Oral)**

In the present petition, the grievance of the petitioner is that the petitioner had rendered service on ad-hoc basis from 15.03.1988 till 31.12.1990, which service has not been taken into account by the respondents as a qualifying service for computing the pensionary benefits.

Learned counsel for the petitioner argues that keeping in view the settled principle of law settled by the full Bench of this Court in **Kesar Chand Vs. State of Punjab**, the daily wage service which an employee has rendered prior to the regularization, is to be treated as qualifying service for computing the pensionary benefits and therefore, the petitioner is entitled for the grant of benefits of the service which the petitioner has rendered from 15.03.1988 till 31.12.1990 as a qualifying service.

Learned counsel for the petitioner further submits that the claim as being raised in the present petition has already been raised by the petitioner with the respondents vide legal notice dated 17.12.2021 (Annexure P-6) and the petitioner will be satisfied, at this stage, in case a

direction is issued to respondents to decide the said representation in a time bound manner by passing an appropriate speaking order.

Notice of motion.

Mr. Harish Nain, AAG, Haryana, accepts notice on behalf of respondents-State and raises no objection in deciding the legal notice dated 17.12.2021 (Annexure P-6) in a time bound manner by passing an appropriate speaking order.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner on 17.12.2021 (Annexure P-6), respondent No.2 is directed to decide the legal notice dated 17.12.2021 (Annexure P-6) by passing a speaking order within a period of eight weeks from the receipt of copy of this order. In case the petitioner is found entitled for the relief, the same be released to him within a further period of four weeks.

Present writ petition stands disposed of.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**02.08.2022**

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable :      | No  |