

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

Sr. No.125

CWP No. 14004 of 2022

Date of Decision: 06.07.2022

Jogeshwar Prasad

.... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhinav Jain, Advocate for
Mr. S.P.S.Aulakh, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel argues that the petitioner had served the department for 13 years on work charge basis from 02.01.1973 till the year 1985, when his services were regularized but the said period has not been considered for computing the pensionary benefits of the petitioner.

Learned counsel argues that keeping in view the settled principles of law laid down by Hon'ble Full Bench of this Court in the case of **Kesar Chand versus State of Punjab, AIR 1988 Punjab and Haryana 265: 1988 (5) SLR 27 (P&H)**, even the daily wage service is to be taken into account as a qualifying service for the purpose of computing pensionary benefits, hence, the petitioner is entitled for the grant of benefit of 13 years of work charge service as qualifying service.

Learned counsel submits that the claim which has been raised in the present petition has already been raised by the petitioner in the legal notice dated 22.03.2021 (Annexure P-3), which is still pending consideration with respondent No.2 and the petitioner will be satisfied if respondent No.2 is directed to decide the same in a time bound manner by passing an appropriate speaking order.

Notice of motion.

Ms. Anju Sharma Kaushik, Deputy Advocate General, Punjab accepts notice on behalf of the respondents and raises no objection with regard to deciding the legal notice dated 22.03.2021 (Annexure P-3) in a time bound manner.

Without going into merits of the claim as raised by the petitioner in the present case as well as in the legal notice dated 22.03.2021 (Annexure P-3), this petition is disposed of with a direction to respondent No.2 to pass an appropriate speaking order on the legal notice dated 22.03.2021 (Annexure P-3) filed by the petitioner, within a period of eight weeks from the date of receipt of the copy of this order.

(HARSIMRAN SINGH SETHI)
JUDGE

06.07.2022
Maninder

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