

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CWP-20068-2015

Date of Decision :10.03.2022

Balbir Singh

..Petitioner

Versus

The Haryana Vidyut Parsaran Nigam Limited
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Chaudhary, Advocate for the petitioner.

Mr. Sunil Sharma, Advocate for the respondents.

Harsimran Singh Sethi, J. (Oral)

In the present petition, the grievance which is being raised by the petitioner is that the daily wage service, which the petitioner had rendered with the respondent-Corporation starting from 12.11.1979 till 27.10.1987 and work-charge service from 28.10.1987 to 15.05.1988 is not being considered by the respondent-Corporation as qualifying service for computing his pensionary benefits.

Learned counsel for the petitioner argues that once it is not disputed that the petitioner had joined respondent-Corporation in the year 1979 and his service was regularized by the respondent-Corporation on 16.05.1988, the period of service rendered by the petitioner prior to the regularization of his service, should also be taken into account as qualifying service for computing his pensionary benefits.

Learned counsel for the respondent submits that though, the

petitioner worked with the respondent-Corporation on daily wage basis from 12.11.1979 to 27.10.1987 but, the total period for which the petitioner worked in those years was only 04 years and 08 months and not throughout the year and the above said period for which the petitioner had worked has already been taken into consideration as qualifying service while computing his pensionary benefits and, therefore, the petitioner cannot raise any grievance.

Learned counsel for the petitioner submits that after the retirement of the petitioner in the year 2013, the respondent-State has issued Instructions dated 07.02.2014 (Annexure P/9), as to how, daily wage period is to be counted and as per the said instructions, full period of service instead of half of the service of such a person is to be taken into consideration for computing the pensionary benefits.

On being asked, as to whether, while computing the pensionary benefits of the petitioner, Instruction dated 07.02.2014 (Annexure P/9) were kept in mind by the respondent-department, learned counsel for the respondent-Corporation submits that he has no instructions qua the same but, submits that now the claim of the petitioner will be reconsidered, keeping in view the said instructions and an appropriate order will be passed by the respondent-Corporation within a period of three months from today and in case, after reconsidering the claim of the petitioner, the respondent-department is of the view that the petitioner is entitled for any benefit, the same will also be released in his favour within a period of next one month.

Learned counsel for the petitioner submits that keeping in view the statement made by learned counsel for the respondent that appropriate order on the prayer of the petitioner will be passed keeping in view the facts

and circumstances noted hereinbefore, the petitioner does not press the present petition any further and the same may be disposed of as such.

Ordered accordingly.

March 10, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No