

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

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CWP No.19496 of 2022

Date of decision : 01.09.2022

Surjan Singh

....Petitioner

V/s

Punjab State Power Corporation Ltd. and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Amrindra Partap Singh, Advocate for the petitioner.

Mr. Simrandeep S. Sandhu, Advocate
for respondent Nos.1 to 3.**VIKAS SURI, J. (Oral)**

Learned counsel for the petitioner submits that the petitioner had joined the predecessor-in-interest of the respondent-Corporation, viz. erstwhile Punjab State Electricity Board on 08.12.1972, as Rigger on work charge basis and was promoted as Fitter on 01.01.1975 on work charge basis and thereafter, was again promoted as work charge Chargeman on 30.03.1978. The service of the petitioner was regularized on 05.08.1999 along with other similarly situated employees. The petitioner retired on 30.04.2005, on attaining the age of superannuation. After retirement, as pensionary benefits were not released, the petitioner filed a civil suit, which was decreed in his favour on 15.06.2009 (Annexure P-2) and the appeal thereagainst was also dismissed on 13.10.2010 (Annexure P-3).

PPO No.1111 dated 28.02.2011 (Annexure P-4) was finally issued, sanctioning retiral benefits to the petitioner. In the year 2021, the petitioner found out that the similarly situated employees, who were regularized along with him in the year 1999, though in different batches, have been allowed the deemed date of regularization as 31.08.1992 and

consequential benefits have been released to them, thereby bringing about substantial difference in the pension receivable by them and the petitioner. Counsel would contend that the monetary loss in the pension is a continuing cause of action. Reference is made to decision dated 03.12.2019 (Annexure P-5) in CWP No.18782 of 1995 titled ***Subodh Kumar and others vs. Punjab State Electricity Board Patiala and others*** and consequent order dated 15.01.2021, granting the deemed date of regularization to the said petitioners as 31.08.1992, for placing reliance upon the same. Learned counsel would further submits that being similarly situated, even on parity, the pensionary benefits of the petitioner deserve to be revised. It is also submitted that representation dated 09.03.2021 (Annexure P-7) has been served upon the authorities and is still pending consideration with them. On instructions from the petitioner, counsel submits that petitioner would be satisfied, at this stage, in case his representation dated 09.03.2021 (Annexure P-7) is considered and decided in accordance with law by passing a speaking order, in a time bound manner.

Notice of motion to that limited extent to the official respondent Nos.1 to 3 only, at this stage.

Mr. Simrandeep S. Sandhu, Advocate accepts notice on behalf of respondent Nos.1 to 3. He submits that there is no objection to the limited prayer made for consideration and decision on the representation in a time bound manner.

Heard counsel for the parties.

Without going into the merits of the case or the claim being made by the petitioner in the present petition or the representation, respondent No.2 is directed to consider and decide the claim raised in the

representation dated 09.03.2021 (Annexure P-7), in accordance with law and pass a speaking order within a period of eight weeks from the date of receipt of certified copy of this order.

Needless to observe that if any benefits/amount is found due to the petitioner, the same would be released to him within a period of six weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURJ)
JUDGE

September 01, 2022
Ajay

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