

Sr.No.120

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-21213 of 2022

Date of decision:16.09.2022

Sant Lal

... Petitioner

versus

State of Haryana and others

... Respondents

Coram: Hon'ble Mr. Justice Harsimran Singh Sethi

Present: Mr. Sachmeet Singh Randhawa, Advocate
for the petitioner.

Harsimran Singh Sethi, J.(Oral)

Learned counsel for the petitioner argues that petitioner had rendered daily wage service from 01.09.1975 till 31.01.1996, prior to regularization of his services w.e.f 01.02.1996 which period has not been taken into account as a qualifying service for computing the pensionary benefits. Learned counsel submits that keeping in view the rule governing the service as well as the settled principle of law settled by the Full Bench of this Court in ***Kesar Chand vs. State of Punjab and others: 1988(5) SLR 27***, the daily wage service rendered by an employee prior to the regularization, is to be treated as qualifying service for considering the pensionary benefits, the total length of service of the petitioner needs to be treated as a qualifying service for computing the pensionary benefits.

Learned counsel for the petitioner further submits that the grievance which has been raised by the petitioner in the present petition has already been

raised through representation dated 04.04.2022, a copy of which has been appended as Annexure P-3 with a reminder on 25.07.2022 (Annexure P-4). Hence, the petitioner will be satisfied at this stage in case, a time bound direction is given to the respondent to decide the same by passing appropriate speaking orders.

Notice of motion.

On asking of the Court, Dr.Kiran Pal Singh, AAG, Haryana accepts notice on behalf of the State of Haryana and he raises no objection for deciding the representation Annexure P-3 dated 04.04.2022 in a time bound manner.

Without going into the merits of the case, or the claim being raised by the petitioner in the present petition or in the representation dated 04.04.2022 (Annexure P-3), respondent No.3 is directed to decide the same within a period of eight weeks of receipt of a copy of this order. In case, after the decision, the petitioner is found entitled for any relief, the same be released to him further within a period of four weeks thereafter.

Ordered accordingly.

16th September, 2022

Shivani Kaushik

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

[HARSIMRAN SINGH SETHI]

JUDGE