

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106+274

CM-9658-CWP-2022 in/&
CWP-24144-2021
Date of Decision :03.08.2022

Lalita Devi

...Petitioner

Versus

Managing Director, UHBVNL and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. V.D. Sharma, Advocate for the petitioner.

Mr. Rajesh Gaur, Advocate for the respondents.

Harsimran Singh Sethi, J. (Oral)

CM-9658-CWP-2022

Application is allowed.

Replication to the written statement filed on behalf of the respondents No.1 to 3 is taken on record.

CWP-24144-2021

Learned counsel for the petitioner submits that the question of law raised in the present writ petition, has already been answered by this Court while passing order in **CWP-7090-2017** titled as **Sant Ram vs. State of Haryana and others** on 25.07.2022, wherein, this Court has held that no reliance can be placed by the respondents on the Instructions dated 18.04.2014 unless and until the same were brought to the notice of the employees concerned and got it noted.

In the present case, no such document has been brought on record to show that the petitioner was made aware of the Instructions dated 18.04.2014 (Annexure R-1) issued by the respondents, cannot be made applicable upon the late husband of the petitioner so as to deny the benefit of daily wage service as qualifying service to compute the benefits, for which, the petitioner is entitled for in respect of the service rendered by the late husband of the petitioner.

Learned counsel for the respondents has not been able to distinguish the case of the petitioner keeping in view the order passed by this Court in **Sant Ram's case (supra)** so as to deny the benefits as claimed by the petitioner in the present petition.

Learned counsel for the respondents submits that keeping in view the fact that the husband of the petitioner died on 27.06.1990, whereas, the present writ petition has been filed by the petitioner in the year 2021 i.e. after an expiry of more than 30 years, the benefit of arrears may kindly be restricted so that no prejudice is caused to the respondent-Nigam also.

Learned counsel for the petitioner has not been able to substantiate, as to why, the present petition has been filed by her after the expiry of more than 30 years and that too after the death of employee concerned.

Keeping in view above, though, the claim of the petitioner for counting the daily wage service rendered by her late husband as qualifying service for computing the pensionary benefits is allowed and a direction is issued to the respondents to recalculate the pensionary benefits admissible to the petitioner in respect of the services rendered by her late husband

within a period of two months from the date of receipt of copy of this order but, payment of the arrears of the revised amount to the petitioner will be restricted to three years and two months from the date of filing of the present writ petition i.e. 25.11.2021.

The present petition stands allowed in above terms.

August 03, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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