

131.

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

**CWP-23801-2022**

Date of Decision: 17.10.2022

ANIL KUMAR

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Jasbir Singh Mohri, Advocate,  
for the petitioner.

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**JAISHREE THAKUR.J (Oral)**

This is a petition that has been filed under Article 226/227 of the Constitution of India for issuance of appropriate writ, order or direction especially a writ in the nature of mandamus directing the respondents to count the daily wage service of the petitioner rendered before his respective regularization as qualifying service and to permit him to continue in the old GPF Scheme, in view of the law laid down by this Court in CWP No.2371 of 2010, titled as *Harbans Lal Versus State of Punjab and others*, decided on 31.08.2010 (Annexure P-6), which has been upheld by the Supreme Court and has been followed subsequently in number of cases.

Counsel appearing on behalf of the petitioner would submit that in this regard, the petitioner has served a representation dated 07.12.2021, Annexure P-9, upon the respondents, but till date no decision has been taken thereon. He would submit that at this stage, the petitioner would be satisfied

in case his representation is decided, in accordance with law, in a time bound manner.

Notice of motion.

On the asking of the Court, Ms. Deepali Puri, Additional Advocate General, Punjab, accepts notice on behalf of the respondents and submits that the respondents will look into the matter and will take a decision on the representation of the petitioner.

Let sufficient number of copies of the complete paper book be supplied to her during the course of day.

Without commenting on merits of the case, the present petition is disposed of with a direction to the respondents to decide representation dated 07.12.2021, Annexure P-9, of the petitioner, within a period of three months from the date of receipt of certified copy of this order, in accordance with law and convey the decision to the petitioner. In case of failure to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

**(JAISHREE THAKUR)**  
**JUDGE**

**17.10.2022**  
sanjeev

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |