

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108)

CWP No. 26701 of 2021 (O&M)

Date of Decision : 07.04.2022

Murti Devi

....Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. B.K. Bagri, Advocate for the petitioner.

Mr. Dhananjay Mittal, Advocate for the respondents.

Harsimran Singh Sethi, J. (Oral)

CM-3510-CWP-2022

Present application has been filed for placing on record guidelines dated 08.04.2013 as Annexure P-14 as well as for exemption from filing certified copy of the same.

The application is allowed and guidelines dated 08.04.2013 are taken on record as Annexure P-14.

CWP No. 26701 of 2021

The present petition has been filed with a prayer that the work-charge service rendered by the late husband of the petitioner starting from 25.08.1968 till 18.04.1979 be computed as a qualifying service for computing the pensionary benefits.

Learned counsel for the petitioner argues that there is no

dispute with regard to the service rendered by the late husband of the petitioner on daily wage for the above said period and even otherwise, keeping in view the Instructions, which have been issued by Govt. of Haryana with respect to the cases where the service record is not available, as per which the formula for computing the daily wage service, to be treated as a qualifying service, has been described, which covers the case of the petitioner and, therefore, respondents are liable to be directed to treat the work-charge service of the petitioner from 25.08.1968 till 18.04.1979 as a qualifying service for computing the pensionary benefits.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance in the legal notice dated 05.02.2018 (Annexure P-8), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

Mr. Dhananjay Mittal, Advocate, who is present in Court, accepts notice on behalf of the respondents and raises no objection in deciding the legal notice dated 05.02.2018 (Annexure P-8) in a time bound manner by passing an appropriate speaking order.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice, respondent No. 1 is directed to decide the legal notice dated 05.02.2018 (Annexure P-8), by passing a speaking order within a period of eight weeks from the receipt of copy of this order. In

case, after the decision of the claim of the petitioner, it is found that the petitioner is entitled for the monetary benefits, the same should also be paid to the petitioner within a period of four weeks thereafter.

Present writ petition stands disposed of.

April 07, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes

Whether reportable? No