

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(120)

CWP-578-2023

Date of decision:- 12.01.2023

Fakir Chand

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sandeep Thakan, Advocate for the petitioner.

SUVIR SEHGAL, J. (Oral)

Instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for directing the respondents to count daily wage services of petitioner's wife from 01.05.1988 to 01.02.1996 for the purpose of pensionary benefits and to release the accrued arrears alongwith interest @ 24% per annum.

Counsel for the petitioner submits that Chameli, wife of the petitioner was employed on daily wages on 01.05.1988 as Baldar-cum-Mali. However, her services were illegally terminated. She raised an industrial dispute and by award passed by the Labour Court, she was directed her reinstatement in service alongwith continuity in service and 75% back wages. As her services were not being regularised, she approached this Court and by judgment dated 17.09.2015, Annexure P-3, this Court held that she is entitled for regularization in terms of policy of 2016. Soon thereafter, she expired on 04.02.2016. Counsel submits that by order dated 03.08.2019, Annexure P-4, her services were regularised with effect from 01.02.1996.

The grievance of the petitioner is that despite the fact that the

petitioner is being paid family pension, however, the period of service rendered by his spouse prior to regularization is not being taken into account for calculation of the pensionary benefits. He submits that the petitioner has served legal notice dated 07.09.2022, Annexure P-8, which is not being attended to. Counsel for the petitioner submits that the petitioner will be satisfied in case a direction is issued to the respondents to look into the legal notice.

Notice of motion.

On asking of the Court, Mr. Pankaj Middha, Additional Advocate General, Haryana accepts notice on behalf of the respondents.

In view of the nature of order being passed, this Court does not deem it necessary to call upon the respondents to file a response.

Having heard counsel for the parties, but without examining the claim of the petitioner on merits, writ petition is disposed of with a direction to respondent No. 2-Principal Chief Conservator of Forests, Haryana, to examine the claim of the petitioner and pass a speaking order within a period of 4 months from the date of communication of this order.

In case, the petitioner is found entitled to the benefits, the same be disbursed to him within a period of 3 months, thereafter. The claim for interest is declined.

12.01.2023
Harish Kumar

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No