

CWP-550-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP-550-2023

Date of decision:- 12.01.2023

Pawan Kumar

...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 the service rendered by the petitioner on daily wage from 20.05.1981 to 01.04.1993 for the purposes of pensionary benefits and to release the arrears of the accrued benefits alongwith interest.

Counsel for the petitioner submits that the petitioner was appointed on daily wages on 20.05.1981 as Baldar-cum-Mali. But, his services were illegally terminated. He raised an industrial dispute and by an award dated 01.03.2006, the petitioner was ordered to be re-instated with continuity of service alongwith 50% back wages. As his services were not being regularised, the petitioner approached this Court and by judgment dated 19.07.2012, Annexure P-2, the writ Court directed the respondents to regularize his services with effect from the date when the service of the juniors were regularized. Counsel submits that LPA preferred by the State was dismissed and by order dated 13.03.2018, the petitioner was regularised

in service. Counsel submits that the petitioner has retired from service on attaining the age of superannuation on 31.05.2022, but the service rendered by him, as a daily wager, is not being counted for the purposes of grant of pensionary benefits. Counsel for the petitioner has placed reliance upon Rule 14 (3) of Haryana Civil Services (Pension) Rules, 2016, Division Bench judgment of this Court in '*Harbans Lal Versus State of Punjab*' 2012 (3) S.C.T. 362 decided on 31.08.2010 as well as a judgment of a co-ordinate Bench of this Court in *CWP-4251-2016* titled as '*Paramjit Kaur Versus State of Punjab and others*' decided on 12.03.2020, Annexure P-5.

Counsel for the petitioner submits that the petitioner has served the legal notice dated 22.09.2022, Annexure P-6, but without any success. He submits that the petitioner will be satisfied in case the respondents are directed to look into the legal notice.

Notice of motion.

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

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 in the light of the submissions made by him and pass a speaking order within a period of 4 months from the communication of a copy of this order.

In case, the petitioner is found entitled to the consequential 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