

**117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.2691-2023(O&M)

Date of Decision:28.03.2023

Natha Ram

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. G.S.Duhan, Advocate for the petitioner.

Mr.Pankaj Middha, Addl. AG, Haryana.

SUVIR SEHGAL, J.(ORAL):

CM-4494-CWP-2023

For the reasons given in the application, it is allowed.

Petitioner is permitted to amend the writ petition.

Amended writ petition is taken on record.

Main case

Instant petition has been filed seeking issuance of a writ in the nature of mandamus directing the respondents to count the daily wage service rendered by the petitioner from 02.02.1984 to 01.02.1996 for the purposes of pensionary benefits.

Counsel for the petitioner submits that the petitioner was appointed as a Mason on 02.02.1984 on daily wage basis. He submits that the services of the petitioner were regularised w.e.f. 01.02.1996 and he retired in February, 2008. By placing reliance upon the order dated 10.12.2009 (Annexure P-5) passed by the Hon'ble Supreme Court and the judgment passed by this Court in **CWP No. 7729 of 2016** titled as **Mahavir**

Singh vs. Uttar Haryana Bijli Vitran Nigam Limited decided on 18.05.2022 (Annexure P-6), counsel for the petitioner asserts that the daily wage is liable to be counted as qualifying service for pension. He has also invited the attention of the Court to instructions dated 07.02.2014 (Annexure P-7) issued by the Government of Haryana.

Counsel submits that the petitioner has submitted a legal notice dated 18.10.2022 (Annexure P-8) which has not been attended to and the petitioner would be satisfied in case a direction is issued to the official respondents to look into it.

Notice of motion.

On asking, Mr.Pankaj Middha, learned Addl.AG, Haryana accepts notice on behalf of the official respondents.

Having considered the submissions made by counsel for the petitioner, but without advertng to the merits of the arguments addressed, writ petition is disposed of with a direction to the Superintending Engineer, PWD (B&R), Provisional Division, Kaithal to examine the legal notice (Annexure P-8) within a period of four months from the date of communication of a copy of this order. In case the claim of the petitioner cannot be acceded to, an order be passed assigning reasons for rejection.

(SUVIR SEHGAL)
JUDGE

28.03.2023

sunita

Whether Reasoned/Speaking : Yes/No

Whether Reportable : Yes/No