

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

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**CWP No.5813 of 2023
Date of decision:21.03.2023**

Ram Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Deepak Sonak, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

Instant writ petition has been filed for issuance of a writ in the nature of mandamus directing the respondents to count the service rendered by the petitioner on daily wage from 18.05.1990 to 01.10.2003 as qualifying service for grant of pension.

Counsel for the petitioner submits that the petitioner was engaged as daily wage labourer in 1982 and his service was terminated on 25.07.1989. Matter was settled before the Labour Court and he was allowed to re-join duty on 18.05.1990, but he was again terminated in 1992. He raised an industrial dispute and by an award dated 23.04.1998 (Annexure P-1), he was ordered to be reinstated without continuity of service and back wages. Petitioner approached this Court and by judgment dated 08.02.2018, (Annexure P-2), the writ Court modified the award and granted continuity of service. Counsel submits that service of the petitioner was regularized on Group-D post from 01.10.2003 and he has retired from service on attaining

the age of superannuation in 1997, 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 vs. State of Punjab**' 2012(3) S.C.T. 362 decided on 31.08.2010 as well as a judgment of Co-ordinate Bench of this Court in CWP No.26505 of 2014 titled as '**Shamsher Singh Vs. State of Haryana and others**' decided on 15.01.2016, Annexure P-4.

Counsel for the petitioner submits that the petitioner has served the legal notice dated 17.08.2022, Annexure P-5, 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 the Court, Mr. Pankaj Middha, Additional Advocate General, Haryana accepts notice on behalf of the respondents.

Given 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.3 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 four months from the date of communication of a copy of this order.

In case, the petitioner is found entitled to the claim, consequential benefits be disbursed to him within a period of three months

thereafter. Claim for interest is declined.

March 21, 2023

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>