

113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14454-2023
Date of decision: 02.08.2023

Tarsem LalPetitioner
V/s
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Komalpreet Singh, Advocate for
Ms. Ravinder Kaur Manaise, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to consider the daily wage/work charge service of the petitioner w.e.f. 01.04.1985 till the date of his regularization i.e., 01.08.1991 towards qualifying service for the purpose of pension and retiral benefits, with a further prayer to release the arrears of revised pay scales as per 3rd Punjab Pay Commission recommendations along with pension and all other retiral benefits including interest.

Learned counsel for the petitioner contends that on 01.04.1985 petitioner joined as Pump Operator on work charge/daily wage basis in Punjab Water Supply and Sewerage Board at Gurdaspur and after six months, petitioner was absorbed by the Department of Local Government and he joined at Municipal Council, Gurdaspur as Helper. He submits that ultimately, his services were regularized at Municipal Council, Gurdaspur by the Department of Local Government and after continuous service of more than 37 years, petitioner retired

on 31.12.2022 as Helper from Municipal Council, Gurdaspur. He further submits

that on his retirement, petitioner was paid the amount of leave encashment but no other retiral benefits were paid to him. Learned counsel contends that petitioner had submitted a legal notice dated 01.05.2023 (Annexure P-4) to the respondents No.2 and 3, which has not been taken into consideration till date and he would be satisfied if necessary directions are given for deciding the aforesaid legal notice in a time bound manner.

Notice of motion.

On asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 and 2 and Mr. Sanjeev Soni, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.3 and they do not object to the prayer made by learned counsel for the petitioner.

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 dated 01.05.2023 (Annexure P-4), respondent No.3 is directed to decide the aforesaid legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitioner is found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to him within a period of 8 weeks thereafter.

The petition stands disposed of.

02.08.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No