

2023:PHHC:098686

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

Sr. No.115

CWP No.16449 of 2023

Date of Decision : August 01, 2023

CHANDER BHAN

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel for the petitioner submits that prior to the regularization of the services of the petitioner on the post of Beldar, the petitioner had performed duty on daily wages/work charge basis w.e.f. 01.08.1993 to 01.10.2003, which period of service had not been taken into account as a qualifying service for computing the pensionary benefits, which act of the respondents is contrary to the settled principles of law settled by the Full Bench of this Court in ***Kesar Chand vs. State of Punjab and others, AIR 1988 Punjab 265.*** Hence, the respondents are under an obligation to grant the petitioner the benefit of daily wages/work charge service rendered by him from 01.08.1993 to 01.10.2003 as a qualifying service for computing the pensionary benefits and grant the consequential benefits.

Learned counsel for the petitioner further submits that the grievance as raised in the present petition has already been raised in the

Annexure P-7. The petitioner will be satisfied, at this stage, in case a direction is issued to respondent No. 2 to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Pankaj Middha, Addl. A.G., Haryana, who is present in Court, accepts notice on behalf of the respondents and raises no objection in deciding the legal notice dated 16.02.2023 (Annexure P-7) in a time bound manner by passing an appropriate speaking order.

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, respondent No. 2 is directed to decide the legal notice dated 16.02.2023 (Annexure P-7), by passing a speaking order within a period of eight weeks from the date of receipt of a certified copy of this order and in case, petitioners are found entitled for any benefit after the said decision, the same will be extended to the petitioners within a further period of four weeks thereafter.

Present writ petition stands disposed of.

August 01, 2023

Ankur

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No