

2023:PHHC:125413

245 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21971-2020
DECIDED ON:21.08.2023

SHEELA

.....PETITIONER

VERSUS

UHBVN LTD. & ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Shivam Malik, Advocate for the petitioner.

Mr. Sanjay Mittal, Advocate for respondents No.2 to 4.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to count the daily wage services of the deceased husband of the petitioner for granting terminal and pensionary benefit and also to pay all arrears with 12% interest.

2. Learned counsel for the petitioner contends that the husband of the petitioner was appointed as daily wager in the year 01.06.1982 and his services were regularized on the post of regular work mate on 06.05.1993. On 16.09.2017 husband of the petitioner died due to cancer.

3. He further lays stress on the Punjab Civil Services Rules Volume II (Rule 3.17 A) inserted vide notification No. 2019-2FR-71/13334 dated 13.05.1971 which provides for counting daily wages services followed by regular services for the purpose of retirement benefits . He submits that though terminal benefits have

been released but his daily wages services from 01.06.1982 to 05.05.1993 has not been taken into consideration for the grant of pensionary benefits .

4. The counsel further relies upon on the judgment of supreme court rendered in the case titled as *State of Haryana and others vs Kesho ram* CA No. 1772-2019 wherein it has been held that daily wage services followed by regular services are countable towards retirement benefits .

5. On other hand learned state counsel contends that the claim of the petitioner is time barred and thus there is delay and laches on his part and he never approached the respondent department for the grant of pensionary benefits .

6. After having gone through the submissions made by learned counsel for respective parties, it is crystal clear that the husband of the petitioner died in the year 2017, and while computing the petitioner pensionary benefits his daily wage services has not been considered i.e., from 1982 to 1993, which otherwise as according to the Rule 3.17 A of the Punjab Civil Services Rules is entitled to be counted.

7. In view of law laid down by this Court in *Kesho Ram's case (supra)* as well as Rule 3.17 A of Punjab Civil Services Rules, respondents are directed to release the retiral benefits by counting the daily wage services rendered by the husband of the petitioner i.e., from 1982 to 1993 within a period of two weeks from the date of receiving of certified copy of this order alongwith interest @ 9 % per annum, which shall be calculated from the date it became due.

10. In view of the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

21.08.2023

Meenu

Whether speaking/reasoned Yes/No
Whether reportable Yes/No