

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103+253)

CM-1166-CWP-2023 in/and
CWP-23529-2021
Date of Decision : September 20, 2023

Ramesh Kumar

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kanwal Goyal, Advocate, and
Ms. Deepali Jindal, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Mr. Ravi Sharma, Advocate, with
Mr. Ravinder Kumar Panchal, Advocate and
Mr. Rajesh Tushar, Advocate, for respondent No.3.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-1166-CWP-2023

As prayed for, the application is allowed.

Short reply on behalf of respondent No.3 is taken on record.

CWP-23529-2021

1. Present petition has been filed raising various claims including the grant of pensionary benefits as the petitioner has already attained the age of superannuation and retired from service on 31.01.2021.

2. Learned counsel for the petitioner argues that initially the services of the petitioner were regularized from the year 1996 whereas,

during the service career, the said order was withdrawn and the date of the regularization of the service of the petitioner was changed from 1996 to 2004, which order has been challenged and the litigation qua the said order is pending consideration before this Court but on the pretext of the pendency of the said litigation, no retiral benefits have been released to the petitioner, which is totally arbitrary and illegal.

3. Learned counsel for the petitioner submits that even if it is assumed for the sake of arguments that the services of the petitioner are to be treated as regular w.e.f. 2004 still, the entitled benefits have not been released in favour of the petitioner after his retirement and certain service benefits including the increments and grant of ACP is also pending consideration with the respondents, which is yet to be released to the petitioner.

4. Learned counsel for the petitioner further submits that even otherwise, the service which the petitioner had rendered on daily wage/temporary basis prior to the date of regularization of his services is to be treated as qualifying service for computing the pensionary benefits, hence, the respondents are under an obligation to grant the petitioner the above mentioned benefits, which are yet to be paid to the petitioner.

5. Learned State counsel submits that in case the petitioner files any representation that he is satisfied in case his claim for the release of the pensionary benefits is considered keeping his date for regularization as 2004 subject to the outcome of the pending litigation, appropriate consideration will be given to all the claims being raised by the petitioner and appropriate order will be passed within a period of eight weeks and whatever is found entitled to be paid to the petitioner, the same will be paid to the petitioner within a further period of four weeks.

6. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to file appropriate representation with the respondents.
7. Ordered accordingly.

September 20, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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