

2023:PHHC:136470

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-20569-2023 (O&M)
Date of Decision:-19.10.2023

Kamlesh Rani

....Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashdeep Singh, Advocate for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks issuance of a writ in the nature of mandamus so as to direct the respondents to count the period of service rendered by her on daily wage basis prior to her regularization as qualifying service and for grant of other retiral/pensionary benefits.
2. Learned counsel representing the petitioner submits that the petitioner had initially been appointed as a 'Sweeper' on 19.11.1998 in Police Department, Punjab, where she served continuously and was regularized on 31.12.2016 and ultimately retired on 31.1.2023 upon attaining the age of superannuation. It has been submitted that the services rendered by the petitioner on daily wages have not been counted towards qualifying service, whereas in terms of the ratio of judgment dated 31.8.2010 (Annexure P-7) passed by this Court in CWP-2371-2010 titled Harbans Lal Versus The State of Punjab and others, the same ought to be treated as qualifying service. It has been submitted that

although the petitioner has submitted representation dated 15.3.2023 (Annexure P-13) and representation dated 27.3.2023 (Annexure P-14) in this regard, but to no avail.

3. Notice of motion.
4. On asking of the Court, Mr. Inderpreet Singh Kang, AAG, Punjab, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State.
5. Learned State counsel submits that the case of petitioner shall be considered in accordance with the settled position of law and that the representations submitted by the petitioner shall be considered and decided in accordance with law in the shortest possible time.
6. Having regard to the aforesaid submission, the instant petition is disposed of by directing respondent No.3 – Senior Superintendent of Police, Hoshiarpur to consider and dispose of the representation dated 15.3.2023 (Annexure P-13) and representation dated 27.3.2023 (Annexure P-14) in accordance with law expeditiously preferably within a period of 3 months from today.
7. In case, anything is found due to be paid to the petitioner, the same shall be paid within a period of next 2 months thereafter alongwith interest @5% per annum. However, in case, the same is not paid within the aforesaid prescribed period, the entire amount towards arrears shall be paid alongwith interest @10% per annum.
8. A copy of this order be conveyed to respondent No.3 – Senior Superintendent of Police, Hoshiarpur for necessary compliance.

19.10.2023

pankaj

**(Gurvinder Singh Gill)
Judge**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No