

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24693-2023
Date of decision: 29.11.2023

Kirpal SinghPetitioner
V/s
Pepsu Road Transport Corporation and another ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Anamika Sheoran, Advocate for
Mr. Vikas Singh, Advocate for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant writ 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 respondent to count the entire service rendered by the petitioner from the date of his initial appointment as qualifying service for the purpose of retiral benefits and further directions be issued to respondents to refix the retiral benefits and pay all arrears on that account along with 12% interest.

Learned counsel for the petitioner contends that the petitioner had joined the service of the respondent-Corporation as a Conductor on 05.04.1977. His services were illegally terminated and he raised an industrial dispute and the matter was referred to Labour Court, Jalandhar for adjudication. Vide award dated 19.12.1979 it was held that the termination of his services was illegal and he was entitled to reinstatement with continuity of service without back wages as the petitioner had given a statement regarding giving up his back wages. The

petitioner was not taken back in service and consequently he filed an application under Section 33-C(2) of the Industrial Disputes Act, which was allowed on 24.01.1997. The petitioner was ultimately allowed to be taken back in service on 17.10.1997. Since the petitioner was not being given benefit of service prior to 1997 and his pay was not being fixed correctly after allowing increments prior to 1997, the petitioner had filed CWP-14968-2003, which is pending before this Court. In the said writ petition, the petitioner has challenged the order dated 12.07.2002, whereby the petitioner was ordered to be treated as regular w.e.f. 18.10.1997 and not from the initial date of joining. The petitioner retired from service on attaining the age of superannuation on 13.12.2013. The pension of the petitioner was fixed vide PPO No.4082 by treating lesser period of service. The petitioner approached the authorities for fixing the retirement benefit correctly as the same was not done, so in this regard, the petitioner has sent a legal notice dated 10.10.2022 (Annexure P-5) to respondents, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

Mr. Rakesh Roy, Advocate has put in appearance in Court, accepts notice on behalf of respondents and does 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 10.10.2022 (Annexure P-5), respondent No.2 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

abovesaid legal notice, necessary disbursement of funds shall be made to the petitioner within a period of 8 weeks thereafter.

The petition stands disposed of.

29.11.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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