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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-991-2024
Date of Decision: 23.01.2024

Suresh Kumar

..... Petitioner

Versus

Managing Director, UHBVNL and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

JASGURPREET SINGH PURI, J. (ORAL)

1. The present 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 respondents to count daily wages/work charge services for the purpose of pensionary benefit/retiral benefits to the petitioner which rendered prior to regularization, benefit be released along with arrears with interest @ 24% per annum.

2. Learned counsel for the petitioner submitted that the petitioner was appointed on work charge basis/daily wages and thereafter, his services were regularized but his services rendered on daily wages has not been counted for the purpose of pensionary benefits and has submitted that the law in this regard is well settled and also referred to Annexures P-2 to P-4 and also instructions issued by the Haryana Vidyut Prasaran Nigam Ltd. vide Annexure P-5. He further submitted that for the purpose of the aforesaid grievance, the petitioner has already issued legal notice dated

23.07.2023 vide Annexure P-8 but no action has been taken in this regard and at this stage, the petitioner will be satisfied in case his legal notice is directed to be decided by passing a speaking order in the light of the aforesaid judgments at Annexures P-2 to P-4 and instructions issued by the respondent at Annexure P-5 in a time bound manner.

3. Notice of motion.

4. On asking of Court, Mr. Samarth Sagar, Addl. A.G., Haryana, accepts notice on behalf of the respondents and states that since it is a limited prayer of the petitioner that at this stage his legal notice may be considered and decided in accordance with law, he has no objection to the same and directions may be issued for deciding the same by the competent authority in accordance with law.

5. In view of the aforesaid position, without calling for the reply from the respondents and without observing anything on the merits of the case, the present petition is disposed of with a direction to the respondent No.3/competent authority to consider and decide the legal notice issued by the petitioner vide Annexure P-8 dated 23.07.2023 by passing a speaking order in the light of the aforesaid judgments and settled law within a period of three months from today.

6. Needless to say that in case the petitioner is found to be entitled for any benefit as prayed by him, then the same shall be released to him along with interest @ 6% p.a. within a period of two months thereafter.

23.01.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |