

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-2659-2024 (O&M)
Date of decision: 07.02.2024

Darshan Kumar
.....Petitioner
Versus
State of Punjab and Others
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. N.K. Banka, Advocate for the petitioner

AMAN CHAUDHARY. J.

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondent Nos.1 and 2 to count the entire daily wage services of the petitioner for the purpose of regularisation as qualifying services.
2. Learned counsel would contend that the petitioner having been engaged as a Sweeper on daily wage basis on 01.12.1998, his services were regularised on 12.01.2015, whereafter, he retired from the said post on 30.06.2023. However, the period prior to his regularization is not being considered as qualifying for the purpose of benefit under the Old Government Provident Fund Scheme. He relies on the judgment passed by the Division Bench in **Harbans Lal vs. The State of Punjab and Others**, 2012(3) S.C.T. 362, wherein this issue already stands decided, SLP dismissed and judgment implemented and also to a recent judgment in **Municipal Council, Radian vs. Musthaq Masih and Others**, LPA-666-2022, whereby a batch of appeals were disposed of on 21.12.2023 by the Division Bench in terms of the judgment in **Harbans Lal** (supra). In this regard, representations dated 02.08.2023(Annexures P-2 to P-4), have been submitted,

which have yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the same in a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.
4. At the asking of the Court, Mr. Vaishnav Gandhi, DAG Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.
5. In view of the above and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondent Nos.1 to 3 to consider the representations dated 02.08.2023 (Annexures P-2 to P-4) and decide the same, taking note of the judgments referred to, by the petitioner, within a period of 2 months and if found entitled, necessary benefit be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner therewith.

(AMAN CHAUDHARY)
JUDGE

07.02.2024
M.Kamra

Whether speaking/reasoned

Whether reportable

:

Yes / No

:

Yes / No