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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-5323-2024
Date of Decision: 06.03.2024

Balbir Singh Petitioner
Versus

Haryana Vidyut Parsharan Nigam Ltd. and others Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Surinder Singh Duhan, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to consider the period w.e.f. 09.05.1974 to 15.01.1986 during which the petitioner has worked on work charge basis towards the total length of service for the purpose of total qualifying service for the grant of pension and accordingly revised pension and to grant all consequential benefits along with interest.

2. Learned counsel for the petitioner submitted that the petitioner was appointed on work charge basis as Lab Assistant on 09.05.1974 and later on, on the post of Meter Mechanic w.e.f. 09.02.1979. He further submitted that the services of the petitioner were regularized on the post of Meter Mechanic on 15.01.1986. However, his services rendered on daily wages from 09.05.1974 to 15.01.1986 has not been counted for the purpose of pensionary benefits. He further submitted that the grievance of the

petitioner is that a similarly situated employee, namely, Sube Singh, who retired as Meter Mechanic is getting more pension than him. Feeling aggrieved, the petitioner filed a petition bearing CWP-3527-2022 before this Court and vide order dated 23.02.2022, this Court had disposed of the said petition with a direction to the respondents to take a decision on the legal notice within a period of three months. He further submitted that in compliance of the aforesaid order, respondent No.3 passed a speaking order dated 02.05.2023 (Annexure P-2) and denied the pensionary benefits to the petitioner by stating that the service rendered by him was less than the qualifying service of 28 years. Thereafter, a legal notice was issued to the respondent vide Annexure P-3 dated 28.11.2023, but neither the legal notice has been replied nor any action has been taken in this regard. He further submitted that at this stage, the petitioner confines the scope of the present petition only to the extent that necessary direction may be issued to the respondents-Nigam to consider and decide the legal notice (Annexure P-3) issued by him in accordance with law and within a time bound manner.

3. Notice of motion.

4. On the asking of the Court, Mr. Samarth Sagar, Additional Advocate General, Haryana, who is present in Court, appears on behalf of the respondent-Nigam and stated that he has no objection, in case, a direction is issued to the respondent for considering and deciding the legal notice issued by the petitioner vide Annexure P-3 in accordance with law and within a time framework.

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-Nigam to consider and decide the legal notice issued by the petitioner vide Annexure P-3 dated 28.11.2023 strictly in accordance with law by passing a well-reasoned speaking order within a period of three months from today.

06.03.2024

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No