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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8787-2019

Date of decision: 24.09.2024

DILBAG SINGH

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

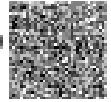
Present:- Mr. Jai Bhagwan Tobria, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Himanshu Arora, Advocate and
Mr. Vijay Sheoran, Advocate
for respondents No.3 and 4.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned letter dated 15.10.2018 (Annexure P-8), whereby the half period i.e. 6 years and 5 months of daily wage services of the petitioner have been considered/counted instead of full period i.e. 12 years and 10 months with a further prayer to direct the respondents to count the daily wage services in the length of regular service of the petitioner and grant him retiral/pensionary benefits such as pension, gratuity, leave encashment, commutation of pension, travelling allowances alongwith interest by re-casting his service book to



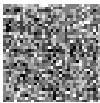
include his daily wage services in the same and also daily wage services of the petitioner followed by regularization be counted towards retiral/pensionary benefits and all the consequential benefits be released to the petitioner.

2. Learned counsel for the petitioner submitted that the only prayer in the present writ petition is that the earlier period of 12 years and 10 months of daily wage services of the petitioner have not been counted and instead of that half of the aforesaid period has been counted and therefore, direction may be issued to the respondents in this regard.

3. On the other hand, learned counsel for respondents No.3 and 4 while referring to para No.6 of the short reply filed on behalf of respondents No.3 and 4 dated 23.01.2020 submitted that the claim of the petitioner has been considered to the extent that full period of daily wage qualifying service i.e. 12 years and 10 months is to be counted for the purpose of pension only and since the entire period of 12 years and 10 months have been counted, in view of the aforesaid short reply filed on behalf of respondents No.3 and 4, the present writ petition has become infructuous.

4. Learned counsel for the petitioner submitted that the aforesaid may have been mentioned in the short reply filed on behalf of respondents No.3 and 4 but the actual benefits have not been given to the petitioner.

5. After hearing learned counsels for the parties and considering the aforesaid factual position and the aforesaid short reply filed on behalf of respondents No.3 and 4, the present writ petition has become infructuous and is disposed of accordingly. However, in case the petitioner has not been actually granted the benefit as aforesaid, he may represent to the Municipal Corporation-



Sonepat in this regard. In case any representation is made, then the respondent-Municipal Corporation, Sonepat shall pass a detailed speaking order within a period of two months from today in this regard and convey the same to the petitioner. In case the petitioner is still aggrieved by any adverse order passed by respondent-Municipal Corporation, Sonepat, then he shall be at liberty to challenge the same in accordance with law.

24.09.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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