



CWP-12043-2021

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-12043-2021
Date of Decision: 24.07.2024

Ishwar Singh

..... Petitioner

Versus

Haryana Vidyut Prasaran Nigam Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. B.K. Bagri, Advocate,
for the petitioner.

Mr. Ajit Kumar Sharma, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present 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 respondents to release retiral benefits after counting the daily wage services followed by regular service of the petitioner and the details of the same has been given in Para No.2 of the writ petition for the purpose of granting retiral benefits after counting the daily wage services along with interest.

2. Learned counsel for the petitioner submitted that the petitioner was appointed on daily wage basis on 16.04.1983 and his services were regularized on 18.05.1993 and thereafter, he retired but the period during which he rendered his services on daily wage basis has not been counted for pensionary benefits and it is a settled law that the aforesaid service has to be



counted for pensionary benefits.

3. On the other hand, Mr. Ajit Kumar Sharma, learned counsel for the respondents while referring to the short reply filed on behalf of the respondents, submitted that the case of the petitioner for grant of the aforesaid benefits has been sent to the Headquarter for receiving approval in this regard and further submitted that till date no such approval has been received.

4. I have heard the learned counsels for the parties.

5. Para No.3 of the short reply filed on behalf of the respondents-Nigam is reproduced as under:-

*“3. That it is also submitted that, office order No. 202/2021-22 dated 28.09.2021 has issued by this office for counting of the daily wages service rendered by him is required to be counted towards pensionary benefits. In the seniority list circulated vide memo no. Ch- 47/EA-23 dated 13.01.1994 of the then SE TCC-III HSEB Gurgaon his name shown at seniority number is 236 which is a relevant record. Accordingly file has been sent to the Pension Section of headquarter of HVPNL, Panchkula for receiving the approval of payment of pensionary benefits on daily wages service period i.e. 18.04.1983 to 21.05.1993 the copy of Office order no. 202/2021-22 dated 28.09.2021 is attached herewith as **Annexure R-2.**”*

6. A perusal of the aforesaid reply would show that it is not in dispute that the petitioner is entitled for grant of counting of the service for the period which he rendered on daily wage basis for the purpose of pensionary benefits but it appears that the respondents are lingering on the



matter as per the aforesaid reply filed by the respondents.

7. In view of the aforesaid facts and circumstances, the present petition is allowed. The respondents are directed to take a final decision on the aforesaid prayer for counting the services rendered by the petitioner on daily wage basis and thereafter, to grant him benefits within a period of four months from today.

8. In view of the aforesaid undisputed position by the respondents that the petitioner is entitled to the aforesaid benefits but the same has not been granted to him because of lack of approval from the higher authorities, the petitioner is entitled for costs which are assessed as Rs.20,000/- (Rupees Twenty Thousand Only), which shall also be paid by the respondents within the aforesaid period of four months from today.

24.07.2024

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

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