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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Decided on : 18.04.2024

Jaswant Singh

. . . Petitioner(s)

Versus

PEPSU Road Transport Corporation, Patiala

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vikas Chatrath, Advocate,
Ms. Tanya Sehgal, Advocate,
Mr. BPS Thakur, Advocate and
Mr. Akshat Kalia, Advocate
for the petitioner(s).

Mr. Aman Sharma, Advocate
for the respondent(s).

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Jaswant Singh, who served as ‘driver’ with the respondent – PEPSU Road Transport Corporation (in short, ‘Corporation’), has filed the present writ petition, for seeking direction to the respondent – Corporation to release his pension and pensionary benefits, along with interest @ 18% p.a., on the delayed payment of pensionary benefits w.e.f. the date he attained superannuation i.e. 30.04.2005.

2. Learned counsel for the petitioner – workman submits that the learned Labour Court, Patiala, vide award dated 01.06.2005 (Annexure P-1), in Reference No.146/1998, had ordered for his reinstatement with continuity of service and therefore, his entire service period is to be counted for the purpose of calculations pension and other benefits.

3. Further submits that the calculation of the service period made by the respondent – Corporation, is incorrect, because the service period of

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09 years, 09 months and 01 day, has been excluded for taking the decision *qua* the entitlement of the petitioner to pension and other benefits.

3. To buttress his arguments, learned counsel for the petitioner – workman, refers to the judgment dated 27.11.2018, passed in CWP No.24543 of 2016, titled as, “**Gurdial Singh and others vs. PEPSU Road Transport Corporation and others**”, by the Coordinate Bench of this Court, wherein, following observations have been made by the Coordinate Bench of this Court:-

“ In view of the above, the present writ petition is allowed. The respondents are directed to take into consideration the full period for which the petitioners have worked with them as a qualifying service. Further, the respondents shall calculate the amount of CPF which each petitioners have to deposit for the period, when the same was not deducted alongwith interest. The said calculation shall be brought to the notice of the petitioners within a period of three months from the date of receipt of certified copy of this order. All the petitioners shall deposit the said amount as asked by the respondents within a further period of one month.

On the deposit of the amount of CPF by the petitioners, the respondents shall calculate and re-fix the pensionary benefits of all the petitioners within a period of two months thereafter and release the difference of the amount for which each petitioner is entitled for.

Present writ petition is allowed in the above terms.”

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judgment dated **09.04.2024**, passed in **CWP No.7938 of 2018**, titled as, **“Naranjan Singh vs. Pepsu Road Transport Corporation, Nabha Road, Patiala”**, by the Coordinate Bench of this Court, and submits that once the employee has been reinstated in service, complete service period is to be counted for the purpose of examining the entitlement of the pensionary benefits.

4. Thus, based upon the aforementioned submissions, learned counsel for the petitioner – workman submits that in case, his claim for releasing of pension and other pensionary benefits, is accepted by the respondent – Corporation, in some time bound manner, petitioner – workman is ready to forego his claim towards the interest part, for which, he otherwise, is entitled on account of the delayed payment.

5. Upon this, learned counsel for the respondent – Corporation, submits that let an exhaustive representation be filed by the petitioner – workman in this regard, and on doing so, same would be decided at the earliest.

6. In view of above, petitioner – workman is directed to submit his exhaustive representation, as argued and pleaded herein, with the respondent – Corporation, within a period of four weeks from today. On doing so, said representation would be decided by the respondent – Corporation within a period of next three months, by passing a speaking order therein.

Besides above, in case, claim of the petitioner – workman is accepted, the same would be extended to him within a period of next two months thereafter.

7. By taking into consideration the submissions recorded herein-above, the present writ petition is **disposed of**.

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Needless to say that in case the petitioner – workman is found entitled for the relief as sought through present writ petition, he would submit his undertaking to forego his claim towards the interest part, as stated before this Court.

(SANJAY VASHISTH)
JUDGE

April 18, 2024
J.Ram

Whether speaking/reasoned: ✓ Yes/~~No~~
Whether Reportable: ✓ Yes/~~No~~