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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CWP-16650-2024

Date of Decision : July 22, 2024

Jagroop Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harbans Lal Sharma, Advocate, for the petitioner.

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that the daily wage service rendered by him from the year 1996 to 2002 has not been taken into account as a qualifying service, which is arbitrary and illegal.

2. Learned counsel for the petitioner submits that the claim of the petitioner has been declined as per Rule 3.17 of the Punjab Civil Services Rules, Volume-II whereas, the same Rule has already been interpreted as far back as 1979 by the Full Bench of this Court in '*Kesar Chand Vs. State of Punjab and others*', AIR 1988 Punjab 265 to mean that the daily wage service rendered by an employee prior to regularization is to be counted as a qualifying service.

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3. Notice of motion.

4. Mr. Swapan Shorey, learned Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondents.

5. Learned counsel for the respondents submits that the impugned order dated 02.01.2024 (Annexure P-16) may kindly be treated as withdrawn with liberty to pass a fresh order on the same cause of action in accordance with law by taking into consideration the judgment of the Full Bench in *Kesar Chand's case (supra)* and the fresh order will be passed within a period of eight weeks of the receipt of copy of this order.

6. Learned counsel for the petitioner submits that as the impugned order has already been withdrawn with liberty to pass a fresh order, the present petition may kindly be disposed of having been not pressed any further.

7. Ordered accordingly.

July 22, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No