



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

CWP-23492-2024 (O&M)

Date of Decision : 16-09-2024

SUNITA SAINI

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.C Arora, Advocate with
 Ms. Sunaina, Advocate for the petitioner.

Mr. Swapan Shorey, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance of the petitioner is that she had rendered ad hoc service for a period from 18.08.1994 to 13.11.1997, which period has not been taken into consideration as a qualifying service after the petitioner retired on 30.03.2024.

Learned counsel for the petitioner submits that keeping in view the settled principle of law settled by the Full Bench of this Court in '**Kesar Chand Vs. State of Punjab and others**', AIR 1988 P&H 265, wherein it has been held that even the daily wage service followed by the regular service is entitled to be counted as a qualifying service for the grant of pensionary benefits hence, the respondents are liable to be directed to consider the claim of the petitioner to re-compute the qualifying service after taking in account the ad hoc service rendered by the petitioner and thereafter, compute the pensionary benefits for which the petitioner is entitled for and grant the actual benefits as per the entitlement of the petitioner.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance in the protest letter dated 04.05.2024

(Annexure P-7) and Instructions dated 10.01.2018, copy of which has been appended as Annexure P-9 but the same are still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Swapan Shorey, DAG Punjab, who is present in Court, accepts notice on behalf of the respondent-State and submits that in case, the protest letter dated 04.05.2024 (Annexure P-7) and Instructions dated 10.01.2018 (Annexure P-9) have been received in the office of the concerned authorities and the same are still pending consideration with the authorities concerned, the same will be decided by the competent authority within a period of eight weeks from the date of the receipt of certified copy of this order by passing an appropriate speaking order. Learned counsel further submits that in case, it is found feasible to accept the claim of the petitioner, the same will be accepted, otherwise due reasons will be mentioned for not accepting the claim of the petitioner in the speaking order to be passed and the said order will be duly conveyed to her.

Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

Pending application, if any, also stands disposed of.

16-09-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO