

2024:PHHC:024978

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
120

CWP-4072-2024 (O&M)
Date of decision: 22.02.2024

Darshan Kumar...Petitioner

Versus

State of Punjab and others...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Anamika Sheoran, Advocate for
Mr. Vikas Singh, Advocate for the petitioner.

AMAN CHAUDHARY. J.

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for directing the respondents to count the daily wage service rendered by the petitioner as qualifying service for fixing his retiral benefits.
2. Learned counsel would submit that the daily wage service of the petitioner prior to his regularization is not being counted as qualifying service towards fixation of pension and other retiral benefits. She relies on the judgment passed by the Division Bench in **Harbans Lal vs. The State of Punjab and Others**, 2012(3) S.C.T. 362, wherein this issue already stands decided, SLP dismissed and judgment implemented and also to **Municipal Council, Radian vs. Musthaq Masih and Others**, LPA-666-2022, whereby a batch of appeals were disposed of on 21.12.2023 by the Division Bench in terms of the judgment in **Harbans Lal** (supra). In this regard, a representation dated 15.07.2023 (Annexure P-4), has been submitted by him, which has yet not evoked any response. She thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the same in a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.
4. At the asking of the Court, Mr. Amarpreet Singh Bains, AAG, Punjab, accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.
5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider the representation dated 15.07.2023, Annexure P-4 and decide the same, taking note of the judgments referred to, by the petitioner, within a period of 6 months and if found entitled, necessary benefits be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner therewith.

22.02.2024
ashok

Whether speaking/reasoned
Whether reportable

:
:

(AMAN CHAUDHARY)
JUDGE
Yes / No
Yes / No