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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-29135-2022
Date of Decision: 24.04.2024

Lilu Ram Petitioner
Versus

Managing Director, UHBVNL and others Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Thakan, Advocate,
for the petitioner.

Mr. Anil Chawla, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for setting aside the impugned order dated 04.10.2022 (Annexure P-7) passed by the respondents with a further prayer for directing the respondents to count daily wages/work charge services which he rendered prior to his regularization for the purpose of grant of pensionary/retiral benefits to the petitioner in view of the judgment passed by this Court vide Annexure P-2 and to release the aforesaid benefits to the petitioner along with interest.
2. Learned counsel for the petitioner submitted that the petitioner joined the respondent-Nigam as Daily Wager on 11.12.1979 and worked on daily wage service till 10.08.1987 and thereafter, rather he worked till the time of his regularization in the year 1992. He further submitted that as per the reply filed by the respondents his earlier service rendered as daily wager

has been counted only for a period from 11.12.1979 to 10.08.1987 but his services from 1987 to 1992 have not been counted. He submitted that in view of the law laid down by Full Bench of this Court in “Kesar Chand Vs. State of Punjab and others” 1987 AIR (Punjab and Haryana) 265, his entire service was required to have been counted for the purpose of pensionary benefits.

3. On the other hand, Mr. Anil Chawla, learned counsel appearing on behalf of the respondents submitted that as per the reply filed by the respondents-Nigam, the entire service of the petitioner has been counted for the purpose of grant of pensionary benefits and submitted that in case any services are left out then the same will be considered by the Nigam and a speaking order will be passed in this regard by the competent authority.

4. In view of the aforesaid position and the reply filed by the respondents wherein it has been so stated that the earlier service of the petitioner which he rendered on daily wages has already been counted, the present petition is disposed of. However, the respondents are directed to look into this issue as to whether the entire service of the petitioner has been counted or not and thereafter, the competent authority shall pass a speaking order in this regard within a period of three months from today.

24.04.2024

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

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