



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

261

CWP-10612-2021 (O&M)
Date of decision: 16.01.2025

Balkar Singh

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner

Mr. Satnam Preet Singh, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The prayer in the present petition is for directing the respondents to count the service rendered by the petitioner on work charge/daily wage basis from 08.05.1985 to 17.12.2001 in the Department of Sports for the purpose of qualifying service towards the pensionary benefits in terms of the law laid down in **Kesar Chand vs. State of Punjab**, 1998 (2) PLR 223.

2. This Court on 08.08.2024 had passed the following order:

“Learned counsel for the petitioner submits that the daily wage service which the petitioner had rendered prior to the regularization of his services has not been taken into account as a qualifying service, which act on the part of the respondents is contrary to the judgment of the Full Bench of this Court passed in CWP No. 2864 of 1983 titled as **Kesar Chand Vs. State of Punjab through The Secretary, P.W.D.B. & R., Chandigarh and others**, decided on 02.06.1988.

Learned counsel for the respondents has not been able to dispute that according to **Kesar Chand's** case (supra), the ad-hoc service rendered prior to the regularization is to be treated as a qualifying service for computing the pensionary benefits.

Faced with this situation, learned counsel for the respondents seeks an opportunity to rectify their mistake by passing appropriate order. He seeks two weeks time.

Adjourned to 04.09.2024.

In case, by the next date of hearing, the benefit as claimed is not being extended, respondent No. 2 shall remain present in Court.”

3. In compliance to the above, short reply by way of affidavit dated 02.09.2024 of Mr. S.P. Anandh Kumar, IFS, Director Sports, Punjab Yuwa Bhawan has been filed, relevant paras whereof read thus:

“3. That it is relevant to mention that from a responsible exercise which was carried to find out the legal heirs of the petitioner, it emerged that the petitioner was unmarried and does not have any class 1 legal heirs.

4. That without prejudice to the above contentions it is also submitted that no relative or legal heir of the petitioner (since deceased) has approached the deponent or any of the offices under the Director Sports, Punjab for the release of benefits or issues associated with it. Moreover, none of such LR's have been impleaded to step into the shoes of the petitioner.

5. That a report has been received from the office of Municipal Council Bassi Pathana, Fatehgarh Sahib in which it has been confirmed that the petitioner Balkar Singh had expired on August 25, 2022 and that he has not left behind any legal heir and that he was unmarried at the time of his death and even that his parents are no longer alive. Copy of the report of office of Municipal Council Bassi Pathana, is annexed herewith as (ANNEXURE R-2).”

4. In view of the above, the present petition is disposed of with liberty to any legal claimant to approach the respondents, substantiating his/her entitlement to receive the said benefits on behalf of the petitioner, which on verification be released forthwith, in accordance with law.

(AMAN CHAUDHARY)
JUDGE

16.01.2025
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No