

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

Date of decision: 15.09.2025

....Petitioner

Versus

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Vikas Arora, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to re-fix the pension of the petitioner after counting the daily wage period from 28.08.1995 to 12.04.2001 of the petitioner as qualifying service for pensionary benefits taking the complete service of 27 years 09 months and 04 days.

2. Learned counsel for the petitioner *inter alia* contends that the benefit of the past service rendered by the petitioner as a daily wager has not been counted for qualifying service. The controversy involved in the present case is no longer *res integra* and is squarely covered by the Full Bench judgment of this Court passed in CWP No.2864 of 1983 titled as ‘Kesar Chand Vs. State of Punjab through the Secretary, PWDB&R Chandigarh and others’ decided on 02.06.1988 and the judgment of the Division Bench of this Court in ‘Harbans Lal Vs. State of Punjab and others’ 2012 (3) SCT 362. She further submits that she would be satisfied if the legal notice (Annexure P-3) of the

petitioner is decided by respondent No.4 by passing a speaking order in a time bound manner.

3. Learned State counsel, appearing on advanced notice, submits that he has no objection in case a direction is issued to respondent No.4 for time-bound consideration and decision of the legal notice of the petitioner by passing a speaking order.

4. Therefore, in view of the limited prayer made by learned counsel for the petitioner, respondent No.4 is directed to consider the legal notice (Annexure P-3) of the petitioner in terms of *Kesar Chand’s case (supra)* & *Harbans Lal’s case (supra)* and pass a speaking order, after affording him an opportunity to be heard, within a period of 03 months from the date of receiving a certified copy of this order. Further, the decision taken thereof shall be conveyed to the petitioner. Needless to say, if the petitioner is found entitled to the relief sought, the same shall be granted forthwith by respondent No.4.

5. Disposed of, accordingly.

(HARPREET SINGH BRAR)
JUDGE

15.09.2025
Neha

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