

(2020) 09 P&H CK 0075

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 14732 Of 2020 (O&M)

Balwan Singh

APPELLANT

Vs

Uttar Haryana Bijli Vitran Nigam Ltd And Others

RESPONDENT

Date of Decision : 17-09-2020

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2020) 09 P&H CK 0075

Hon'ble Judges : H.S. Madaan, J

Bench : Single Bench

Advocate : Shvetanshu Goel

Final Decision : Disposed Of

Judgement

H.S. Madaan, J

Case taken up through video conferencing.

Petitioner Balwan Singh, has brought the instant civil writ petition under Articles 226/227 of the Constitution of India against the respondents for issuance of a writ in the nature of mandamus directing the respondents to count the daily wage service of the petitioner towards total length of service as qualifying service for the purpose of pensionary/retiral benefits and to refix his pension/pensionary benefit, releasing the same to him along with arrears with interest.

According to the petitioner, he had joined service of respondents in the year 1981 on daily wage basis and he continued working as such till 04.05.1993. His services were regularized on 05.05.1993. The petitioner has retired on 31.01.2020 on attaining the age of superannuation. However, the service rendered by him on daily wage basis has not been counted by the respondents for the purpose of fixation of his pension and grant of other pensionary benefits.

The petitioner had served a legal notice dated 02.06.2020 (Annexure P1) upon the respondents but no action has been taken by them so far. The petitioner is

also relying upon judgment delivered by this Court in CWP-16883-2010 titled as SUBHASH CHANDER AND OTHERS VS. HVPNL & ORS. decided on 20.09.2010 in that regard.

Notice of motion.

Mr. Ashish Yadav, Addl. AG, Haryana, accepts notice on behalf of respondent-State.

Learned counsel for the petitioner states that the petitioner would be satisfied if a direction is issued to the respondents to consider the legal notice and then to take appropriate action in the matter within a fixed time frame.

Learned State counsel states that the respondents would abide by any direction issued by this Court in that regard.

Keeping in view the facts and circumstances of the case and in order to avoid unnecessary litigation between the parties, the present writ petition is disposed of, directing the respondents to consider the claim of the petitioner as contained in legal notice dated 02.06.2020 (Annexure P1) and if some action is warranted, then the needful be done within a period of two months from the date of receipt of certified copy of the order.