

(2010) 05 SHI CK 0231
In the High Court Of Himachal Pradesh
Case No : CWP No. 2566 of 2010

Lal Chand

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 28-05-2010

Acts Referred:

Citation : (2010) 05 SHI CK 0231

Hon'ble Judges : Kurian Joseph, C.J;Sanjay Karol, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—Issue raised in these Writ Petitions pertains to the question whether 50% of the daily waged service is liable to be counted as qualifying service for the purpose of pensionary benefits.

2. We are informed that the issue is covered in favour of the workers by the decision of this Court in State of Himachal Pradesh and Ors. v. Sarab Dayal in CWP No. 180 of 2001 decided on 19th July, 2007.

3. It is pointed out that the matter is pending before the Apex Court. The parties agree that they will also be bound by the out come of the decision, now pending before the Apex Court, so that these cases also need not be taken to the Apex Court. Therefore, these writ petitions are disposed of, making it clear that in case the decision of this Court is implemented in the case of the similarly situated persons, in the case of the applicants herein also, the judgment will be implemented expeditiously subject to the result of the matter pending before the Apex Court. We make it clear that we have not gone into the merits of the cases and therefore, it will be certainly open to the Authority concerned to examine whether on facts Sarab Dayal's case would apply to the applicants.

4. These Writ Petitions are disposed of.