(2019) 03 P&H CK 0174

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 27577 Of 2018

Ranbir Singh APPELLANT

Vs

Uttar Haryana Bijli Vitran Nigam Limited And Others RESPONDENT

Date of Decision : 14-03-2019

Acts Referred:

Citation : (2019) 03 P&H CK 0174

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : Rajesh Hooda, C.S. Bakshi

Final Decision : Disposed Off

Judgement

Harsimran Singh Sethi , J

1. This order shall dispose of CWP NO.27577 OF 2018 AND CWP NO.27944 OF 2018 as both the writ petitions involve same question of law and similar facts. For the sake of convenience, the facts are being extracted from CWP No.27577 of 2018.

2. In the present writ petition, the grievance of the petitioner is that the daily wage service which the petitioner had rendered from 12.05.1981 till 15.05.1993 has not been taken into account for the grant of pensionary benefits by treating the same as a qualifying service.

3. Learned counsel for the petitioner states that the petitioner is entitled for counting the said daily wage service as qualifying service in view of the settled principle of law as settled by Full Bench in Kesar Chand Vs. State of Punjab & others 1988(5) SLR 27. The facts as mentioned in the writ petition are that the petitioner was appointed as a daily wage helper on 12.5.1981 in Panipat Thermal Plant thereafter, he was transferred to the Operation Division of the Haryana State Electricity Board and kept on working as such till 14/05/1993. On 15/05/1993, the services of the petitioner alongwith many other employees were

regularised. After the regularization of the services of the petitioner, he was promoted as Assistant Foreman, from which post, the petitioner retired on 31.03.2018.

4. As per the averments made in the writ petition, the respondent only calculated the services starting from 15-05-1993 onwards i.e. from the date when his service was regularlised, as a qualifying service for granting of the pensionary benefits. Service which the petitioner rendered on daily wage basis from 12.5.1981 till 14.05.1993 was not taken into account for computing the pensionary benefits. The said action of the respondents is under challenge in the present writ petition.

5. Reply has been filed on behalf of the respondents in Court today and a copy of the same has been given to learned counsel for the petitioner. In the reply, it has been stated that the grievance of the petitioner has been redressed and the relief for which the present writ petition was filed has already extended to the petitioner and the services which the petitioner had rendered on daily wage basis, has been taken into consideration as a qualifying service and the pensionary benefits of the petitioner have been re-calculated and the arrears have also been paid to the petitioner. The relevant paragraph of the reply is as under:-

" ...... 2. That the petitioner filed the writs for getting counted his work charged services towards pensionary benefits. The case of the retiree was considered by the competent authority and his work charges services has been counted towards pensionary benefits by passing office order No.15 dated 24.1.2019. A copy of this order is attached herewith as Annexure R-1/1.

3. That accordingly the pensionary befits have been got revised and Chief Accounts Officer, UBVHN Panchkula issued revised GPO No.13535/UHBVN/Pen-13783 dated 15.2.2019. The retiree was issued a Cheque No.255199 dated 22.2.2019 amounting Rs.2,35,560,/- towards the payment of enhanced gratuity. The retiree has accepted the said cheque dated 22.2.2019 and given his dated acknowledgement. The same is attached as Annexure R-1/2.

4. That as such the work charged services of the retiree/petitioner has been counted towards pensionary benefits and payment has been made on 22.2.2019 and nothing is pending at the level of this office.

In the light of the aforementioned facts, the present writ petition may kindly be disposed of as having been rendered infructuous."

6. Learned counsel for the petitioner states that the benefit has been granted by the respondents to the petitioner, which is established as the proof of the release of arrears have also placed on record, therefore, no grievance of the petitioner subsist any further. He prays that the present petitions be disposed of as not pressed any further.

7. The present petitions are disposed of as not pressed in view of the facts

mentioned above.

