

(2011) 03 SHI CK 0224
In the High Court Of Himachal Pradesh
Case No : CWP No. 1604 of 2008

State of Himachal Pradesh and Another	APPELLANT
Vs	
Tonku Ram	RESPONDENT

Date of Decision : 04-03-2011

Acts Referred:

Citation : (2011) 03 SHI CK 0224

Hon'ble Judges : Kurian Joseph, C.J;Rajiv Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The issue raised in this writ petition 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 worker by the decision of this Court in State of Himachal Pradesh and Ors. v. Sarab Dayal in CWP No. 180 of 2001 decided on 19.7.2007.

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 outcome of the decision, now pending before the Apex Court, so that the case also need not be taken to the Apex Court. Therefore, this writ petition is 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 Respondent 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 case and, therefore, it will be certainly open to the Authority concerned to examine whether on facts Sarab Datyal's case would apply to the present case.