

CWP-3098 of 2018

2024:PHHC:172573



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

CWP-3098 of 2018

Date of decision: 18.12.2024

Ramesh Chand (since deceased) through his LRs

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Sandeep Singal, Advocate,
for the petitioners.

Mr. Parveen Chander Goyal, Addl. A.G., Haryana.

NAMIT KUMAR, J.

1. The petitioners have invoked the writ jurisdiction of this Court by filing the instant petition under Articles 226/227 of the Constitution of India, seeking quashing of order dated 01.12.2017 (Annexure P-6), whereby claim of Ramesh Chand, who expired during the pendency of the present writ petition (hereinafter referred to as 'the petitioner'), for counting of his past daily wage service from 01.10.1984 to 19.12.1996 as qualifying service for the purpose of pension and other pensionary benefits, has been rejected. Further, a writ of mandamus has been sought for directing the respondents to count the said service for the purpose of pension and other pensionary benefits.



2. The brief facts of the case, as have been pleaded in the petition, are that the petitioner was initially appointed as Carpenter on daily wage basis on 01.10.1984 and worked as such till 30.01.1993 continuously without any break in service and thereafter his services were terminated on 31.01.1993. The said termination was challenged by raising an industrial dispute and the same was answered in favour of the petitioner, vide award dated 18.10.1995, by granting reinstatement with continuity of service and full back wages and in compliance thereto the petitioner was permitted to join back his duty on 06.05.1996 and thereafter his services were regularised w.e.f. 20.12.1996 and thereafter he was confirmed against the post of Carpenter and after rendering about 20 years of service, he retired on 31.10.2016 on attaining the age of superannuation, however, his daily wage service from 01.10.1984 to 19.12.1996 has not been counted for the grant of pension and other pensionary benefits as per Rule 3.17-A of the Punjab Civil Services Rules Volume II (as applicable to Haryana).

3. Written statement on behalf of respondents No.1 to 4 has been filed, wherein the claim of the petitioner has been opposed by stating that earlier the Punjab Civil Services Rules, as applicable to State of Haryana, were applicable, however, after 19.07.2016, new rules have been framed by the State of Haryana known as "Haryana Civil Services (Pension) Rules, 2016 and Rules 8(23) and 14 define the qualifying service for the purpose of pension and provide as under: -

"8(23) "qualifying service" for the purpose of pension means the period of—

(i) service treated as duty;



- (ii) all leave except extraordinary leave;*
- (iii) extraordinary leave sanctioned on medical certificate;*
- and*
- (iv) extraordinary leave sanctioned in continuation of Study Leave under Chapter XI of the Haryana Civil Services (Leave) Rules, 2016.*

Note 1.— The period of boy service shall not qualify for pension.

Note 2.— In any case in which the Finance Department is satisfied that the extraordinary leave was taken for any cause beyond the control of Government employee, the period of such leave shall be treated as qualifying service;

x x x x

14. Service qualifying for pension.—

(1) The term ‘qualifying service’ has been defined in Chapter-2 of these rules. In addition, the following periods of service rendered by a Government employee appointed on regular basis shall also be qualified for pension :-

(a) Duty period of foreign service; provided the pension contribution has been made to the parent department.

(b) The period of suspension, dismissal, removal, compulsory retirement, followed by re-instatement and treated as duty or such period allowed to be converted into leave of the kind due, shall also qualify for pension upto the extent it is admissible under the rules.

(c) Any other period of service treated as duty for the purpose of pension by the competent authority.

(d) The period of departmental training, followed immediately by regular appointment, which is required to undergo before appointment on regular basis even if instead of entry level pay a nominal allowance is allowed during the period of training.



Note. ■ The period of dies non, if any, shall not be treated as qualifying for pension.

(2) Save as otherwise provided in these rules, all regular service interrupted or continuous in one or more Departments of Haryana Government shall be treated as qualifying service for pension subject to provision in rule 15 and the following conditions:-

(i) The interruption shall have been caused by reasons beyond the control of the Government employee;

(ii) Service preceding the interruption shall be minimum of two years or more;

(iii) The interruption shall not be more than one year's duration.

(3) The adhoc service followed by regularization shall also be counted as qualifying service for pension subject to provision of rule 15. The period of break between two or more spells of service shall be omitted subject to provision in sub-rule (2) above.

(4) The service paid from contingencies followed by regularization rendered by a Government employee retiring from service on or after the 12th December, 1997 shall count as qualifying service provided the service shall have been—

(i) in a job involving whole time employment and not part time for a portion of day;

(ii) in a type of work or job for which regular post would have been sanctioned;

(iii) such for which the payment is made either on monthly or daily rates computed and paid on a monthly basis and which though not analogous to the regular scale of pay/ pay structure shall bear some relations in the matter of pay to those being



paid for similar jobs being performed by staff in regular establishments; and

(iv) continuous and followed by absorption in regular employment without a break.

Note. ■ While bringing contingent paid employee to the regular establishment following entry for verification of contingent service shall be made at the appropriate place in his service book :-

"Service from _____ to _____ paid out of contingencies verified from acquaintance rolls and office copies of contingent bills".

Above entry shall be signed by the Head of office with date. (5) The entire service rendered by an employee as work charged shall be reckoned towards pension provided— (i) such service is followed by regular employment; (ii) period of break between two or more spells of service shall be omitted subject to provision in sub-rule (2) above. (iii) such service is a whole time employment and not part-time or portion of day."

4. Learned counsel for the petitioner has argued that as per Rule 14(4) of the above Rules, the daily wage service rendered by the petitioner from 01.10.1984 to 19.12.1996 is liable to be counted for the purpose of pension and other pensionary benefits and the action of the respondents in rejecting the said claim is totally illegal and arbitrary. In support of his contention, he has also placed reliance upon the judgments of this Court in ***State of Punjab and others v. Mukhtiar Singh, 2012(4) RSJ 164*** and ***CWP-11375 of 2023 – Phool Pati v. State of Haryana and others decided on 10.12.2024.***

5. The issue involved in the present petition is as to whether the daily wage service rendered by an employee, followed by



regularisation, is countable towards pensionary benefits or not is not *res integra* as a Division Bench of this Court in **Mukhtiar Singh's** case (supra) while dealing with the same issue has held as under: -

“17. The question then is what is substantive difference between a work-charged employee and a daily rated employee, who have rendered 10 years or more than 10 years of service without interruption and which is followed by regularisation. It appears to us that there is no substantive difference between a work-charged and a daily rated employee in the facts and circumstances of these cases. If we examine the facts obtaining in the instant cases then no doubt is left that these employees, who are called daily wage employee, have better legal rights than their counterparts working on work-charged establishment. A work-charged employee, as is commonly understood, work on a project for a limited period and when the work comes to an end, his services would also come to an end. However, a work-charged employee who have rendered long un-interrupted service, which has been followed by regularisation, has been given the benefit of counting his preregularisation service for the purposes of pension, as has been held by the Full Bench of this Court in Kesar Chands case (supra). Once a work-charged employee is given the benefit of preregularisation service then it stands recognised that the nature of his job is perennial in character and the title given to his job as work-charged or for that matter even daily rated employee, would be completely misnomer and would lose its significance. In fact, by using these expressions for an employee, a regime of exploitation has been created. It is not unknown that these daily rated employees or work-charged employees are kept on the tender hooks as against their counterparts working on confirm and regular basis.



All these employees live under the shadow of apprehension of their bosses of being cashiered and have to respect their whims and fancies. It is for that reason that in Kesar Chands case (supra), the thinking which has been adopted would be fully applicable to such like employees. The following observations made by the Full Bench in Kesar Chands case (supra) would reflect the aforesaid point of view:-

"Once the services of a work charged employee have been regularised, there appears to be hardly any logic to deprive him of the pensionary benefits as are available to other public servants under rule 3.17 of the Rules. Equal protection of laws must mean the protection of equal laws for all persons similarly situated. Article 14 strikes at arbitrariness because a provision which is arbitrary involves the negation of equality. Even the temporary or officiating service under the State Government has to be reckoned for determining the qualifying service. It looks to be illogical that the period of service spent by an employee in a work charged establishment before his regularisation has not been taken into consideration for determining his qualifying service. The classification which is sought to be made among Government servants who are eligible for pension and those who started as work charged employees and their services regularised subsequently, and the others is not based on any intelligible criteria and, therefore, is not sustainable at law. After the services of a work charged employees have been regularised, he is a public servant like any other servant. To deprive him of the pension is not only unjust and inequitable but is hit by the vice of arbitrariness, and for these



reasons the provisions of rule (ii) of rule 3.17 of the Rules have to be struck down being violative of Article 14 of the Constitution."

*18. It is pertinent to notice that their Lordships of the Full Bench have kept in the background two principles that the right to pension is not a bounty payable on the sweet will and pleasure of the Government. That right of superannuation pension including its amount is a valuable right vesting in a Government servant. The Full Bench of this Court in **K.R. Erry v. The State of Punjab, ILR (1967) 1 Punj Har 278**, has laid down the aforesaid principle, which was approved by their Lordships of Hon'ble the Supreme Court in the case of **Deokinandan Prasad v. The State of Bihar, AIR 1971 Supreme Court 1409**. Likewise, the Full Bench in *Kesar Chands case (supra)* has also kept in view the nexus theory to test the constitutional validity of any provision of law, as propounded and evolved by Hon'ble the Supreme Court in the case of **Ram Krishna Dalmia v. S. R. Tendolkar, AIR 1958 Supreme Court 538**. It is trite to observe that Article 14 forbids discrimination and any law making classification has to fulfil two conditions, namely, (i) that the classification is founded on an intelligible differentia which distinguishes persons or things that are grouped together from those that are left out of the group, and (ii) that differentia has a rational relation to the objects sought to be achieved by the statute in question. Once, both the aforesaid principles are kept in view then a daily rated employee, who has worked for more than 10 years, would become entitled to count his service rendered as such on a post, if it is followed by regularisation. The very fact that an order of regularisation has been passed in his favour would be an admission on the part of the State that work has been available which is of perennial nature and*



he was rendering service against a post. If a work-charged employee is to be granted benefit of such service then there cannot be any rationale basis to exclude a daily rated employee like those who are before this Court. It is incidental that in Kesar Chands case (supra) the employees who have sought the relief, were work-charged and not daily wager. We are sure that had it been a case of a daily wage employee, who had rendered more than 10 years service as such, which is followed by regularisation, then the same result would have followed which has been recorded by the Full Bench in the case of work-charged employees.

*19. It is true that for the purposes of seniority, promotion or some other benefits, the service rendered on work-charge basis, ad hoc basis or daily rate basis may not be countable. In that regard reliance may be placed on the judgment of Hon'ble the Supreme Court rendered in the case of **Punjab State Electricity Board v. Jagjiwan Ram, (2009) 3 SCC 661**. However, the consideration proceeds on different plane when the question of pension comes. Therefore, the aforesaid judgment would have no application when the question of considering that period of service for the purposes of pension is under consideration.*

*20. It is pertinent to notice that a similar issue was dealt with by the Division Bench of this Court in the case of **Sadhu Singh and others v. State of Punjab and others (CWP No. 18841 of 2007, decided on 25.7.2008)** wherein similar observations were made. In the concluding para of the judgment, the Division Bench made the following directions:*

"Before parting we deem it just and appropriate to direct the State of Punjab through the Chief Secretary to take steps that the cases of this nature



do not travel to the Court and the rules are complied with. It may be necessary for the State to impart some training to all those officers who deal with such like cases so as to familiarise them with the rules as laid down in the Civil Services Rules. Let appropriate steps be taken in that regard."

*21. The judgment in Sadhu Singhs case was challenged by the State of Punjab before Hon'ble the Supreme Court and SLP (Civil) No. 10456 of 2009, which was dismissed on 22.4.2009. It is further important to mention that the judgment in Sadhu Singhs case (supra) has been followed and applied in the case of **Karnail Singh v. State of Punjab and others (CWP No. 1933 of 2009, decided on 6.9.2010)**. The judgment in Karnail Singhs case (supra) was challenged in **S.L.P. (Civil) No. 17622 of 2010 (State of Punjab and others v. Karnail Singh)**. Coming heavily on the State, their Lordships of Hon'ble the Supreme Court made the following observations in the said matter, vide order dated 26.11.2010:*

"Delay condoned.

The Government of Punjab is known for indulging in frivolous litigation involving low paid employees. This Special Leave Petition is one such piece of litigation in which legality of the order passed by the learned Single Judge of the Punjab and Haryana High Court directing payment of pension to the respondent has been challenged.

*We have heard Shri Rakesh Khanna, learned Additional Advocate General, Punjab and perused the record. The impugned order is founded on an earlier judgment of the Division Bench of the same Court in **Civil Writ Petition No. 18814 of 2007, Sadhu Singh and others v. State of Punjab and others**, decided on 25.07.2008. SLP (C) No. 10456*



of 2009 filed by the petitioners (respondents?) against the order of the High Court in Sadhu Singhs case was dismissed. Therefore, we do not find any valid ground much less justification to interfere with the impugned order.

The Special Leave Petition is accordingly dismissed. While dismissing the Special Leave Petition, we deem it proper to take cognizance of the fact that thousands of cases are pending before different High Courts involving grievance of the employees that they have not been paid retiral benefits. In Deokinandan Prasad v. State of Bihar, AIR 1971 Supreme Court 1409, this Court unequivocally held that pension payable to employees constitute his property within the meaning of Article 19 (1)(f) of the Constitution. This view has been reiterated in large number of subsequent judgments. Unfortunately, despite unequivocal declaration of law by the Highest Court, large number of employees belonging to lower strata of service have to seek intervention of the Court for release of their retiral dues including like pension, gratuity etc.

The Government of Punjab, like the Government of any other States, has framed rules for grant of retiral benefits to the employees. These rules are a complete code unto themselves but, we regretfully note that employees and officers of different cadres are forced to litigate in the court by spending their hard earned money for paying court fee as also the fees of the lawyers for vindication of their legal and constitutional rights for payment of retiral dues. It is therefore, necessary to give comprehensive directions to the State Government to take remedial measure.



For the time being we direct the Secretary, Department of Personnel, Government of Punjab to file an affidavit within six weeks from today enclosing therewith the statement of all cases pending in various departments of the State, Accountant General of the State and various instrumentalities and agencies of the State in which retiral dues of the employees have not been paid.

The Registrar General, Punjab and Haryana High Court is also directed to send a list of cases pending before the High Court in which issues involving nonpayment of retiral dues are being agitated by the employees of the Government of Punjab and its agencies/instrumentalities.

List the case for further consideration in the third week of January, 2011. The Registry is directed to forward copies of this order to the Registrar General of Punjab and Haryana High Court and the Secretary, Department of Personnel, Government of Punjab, Chandigarh by fax."

6. To the same effect is the judgment of this Court in ***Phool Pati's*** case (supra), wherein after relying upon the judgments of this Court in ***CWP No.2371 of 2010 – Harbans Lal v. State of Punjab and others, decided on 31.08.2010*** and ***CWP No.14278 of 2018 – Babunji Bhagat v. State of Punjab and others, decided on 01.02.2023*** has held as under: -

"2. Learned counsel submits that the petitioner was initially engaged as daily wager on 01.02.1980, whereafter on termination of her services 21.09.1995, she raised an industrial dispute, which led an award by Labour Court dated 05.11.2008, directing her reinstatement with continuity of service but without



*granting back wages. Thereafter, she filed a Civil suit no.25/1 of 2011 seeking regularization w.e.f. 01.10.2003, that was decreed on 22.05.2012, consequently, her services were regularized vide order dated 31.08.2018 w.e.f. 01.10.2003 in the pay scale of Rs.2550-3200/- plus allowances, Annexure P-3 and thereafter she superannuated on 28.02.2022. Despite this Court having settled the matter in **Harbans Lal vs. State of Punjab & Ors**, CWP No. 2371 of 2010, decided on 31-08-2010, against which SLP was also dismissed, the service rendered by her prior to regularization has not been taken into account for the purpose of pension, relevant paras whereof read thus :-*

"9. Mr. Shalender Mohan, Advocate for the petitioner has further argued that this issue has been considered in a number of judgments while interpreting Rule 3.17 A of the CSR Vol.2. Reference can be made to the judgments of this Court in case of Kashmir Chand v. Punjab State Electricity Board and others, 2005(4) S.C.T 298: 2005(4) RSJ 581 and Ram Dia and others v. Uttar Haryana Bijli Vitran Nigam Ltd. and another, 2005(4) RSJ 689, Hari Chand v. Bhakra Beas Management Board and others, 2005(2) S.C.T. 95: 2005(2) RSJ 373 and Balbir Singh v. State of Haryana and others, 2004(3) S.C.T. 698: 2004(4) RSJ 71. Full Bench while dealing with a similar controversy in the case of Kesar Chand v. State of Punjab, 1988(2) PLR 223 has held as under :-

"Once the services of a work-charged employee have been regularized, there appears to be hardly any logic to deprive him of the pensionary benefits as are available to other public servants under Rule 3.17 of the



Rules. Equal protection of laws must mean the protection of equal laws for all persons similarly situated. Article 14 strikes at arbitrariness because a provision which is arbitrary involves the negation of equality. Even the temporary or officiating service under the State Government has to be reckoned for determining the qualifying service. It looks to be illogical that the period of service spent by an employee in a work-charged established before his regularisation has not been taken into consideration for determining the qualifying service. The classification which is sought to be made among Government servants who are eligible for pension and those who started as work-charged employees and their services regularised subsequently, and the others is not based on any intelligible criteria and, therefore, is not sustainable at law. After the services of a work charged employee have been regularized, he is a public servant like any other servant. To deprive him of the pension is not only unjust and inequitable but is hit by the vice of arbitrariness and for these reasons the provisions of sub rule (ii) of Rule 3.17 of the Rules have to be struck down being violative of Article 14 of the Constitution."

9. The aforesaid view was further reiterated by this Court in the cases of Joginder Singh, Hazura Singh and Nasib Singh (supra). A conjoint reading of the rules, quoted above and the observations of the Full Bench would



reveal that it is by now well established that period of service rendered on daily wage/work charges prior to regularisation of services is liable to be counted for the purposes of gratuity and pension."

10. The consistent view of the judgment is that work charge service rendered before regularization, is liable to be counted as qualifying service for the purpose of pension. A Division Bench of this Court was seized of a case in which vires of Rule 3.17 A was challenged whereby half of the service paid out of contingency fund was to be counted as qualifying service. This rule has been struck down in a judgment of this Court in case of Joginder Singh v. State of Haryana, 1998 Vol.1 SCT 795. Once the entire service paid out of contingency, is liable to be counted for the purpose of qualifying service, a causal/daily rated service is also bound to be counted as qualifying service.

11. A Division Bench judgment in case of Smt. Ramesh Tuli v. State of Punjab and others, 2007(3) SCT 791 examined the proposition as to what would be the qualifying service for pension as per Clause 6(6) of the 1992 Pension Scheme applicable to the Punjab Privately Management Recognised Schools Employees. In paragraph 6 of the judgment, the following observation has been made:-

"There is another aspect of the matter. Hon'ble the Supreme Court in the case of Vansant Gangaramsa Chandan v. State of Maharashtra, 1996(4) SCT 403: JT 1996 (Supp.) SC 544, has considered clause 23 of Chapter VI of a Pension Scheme of the Hyderabad Agricultural Committee, which is as under :-



"4. Clause 23 of Chapter VI in the scheme reads as under: "Qualifying service of a Market Committee employee shall commence from the date he takes charge of the post to which he is first appointed or from the date the employer started deducting the P.F. contribution for the employee which ever later."

It was held that the clauses of the Scheme have to be read by keeping in view the fact that pension is not a bounty of the State and it is earned by employees after rendering long service to fall back upon after their retirement. The same cannot be arbitrarily denied. The clause was subjected to the principle of 'reading down' a well known tool of interpretation to sustain the constitutionality of a statutory provision and accordingly it was read down to mean that the qualifying service could commence either from the date of taking charge of the post to which the employee was first appointed or from the date he started contributing to the Contributory Provident Fund whichever was earlier. The ratio of the above mentioned judgment would apply to the facts of the instant case, inasmuch as, the provision made in clause 6(6) of the 1992 Scheme has to be read down to mean that qualifying service would commence from the date of continuous appointment, which is 17.8.1965 in the present case, or from an earlier date if the employer had started contributing to the Contributory Provident Fund whichever is earlier. Therefore, the petitioner would be entitled to count her service with effect from the date of her appointment and approval i.e. 17.8.1965."



12. The writ petition was allowed and the petitioners were held entitled to count their entire service w.e.f. 17.8.1965 to 30.9.2001 as qualifying service for the purposes of pension. However, the Contributory Provident Fund was required to be adjusted and deducted from the arrears of her pension. We come to the conclusion that the petitioners' initial date of appointment after regularisation will be the date on which employee takes charge of the post. Once the entire service of a daily wager is to be counted as qualifying service then his date of appointment will relegate back to his initial date of appointment i.e. 1988 and he cannot be ousted from pension scheme by applying the date of regularisation i.e. 28.3.2005 which is evidently after the new scheme or new restructured defined Contribution Pension Scheme came into force w.e.f. 1.1.2004.

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15. This view has been followed by a Division Bench of this Court in case of Hans Raj v. State of Punjab and others, 2005(3) RSJ 262. In this case the Division Bench examined the Punjab Municipal Employees Pension and General Provident Fund Rules, 1994. Vide instructions dated 8.1.1999, the State of Punjab had provided that since the Pension Rules has been made applicable in lieu of CPF, the period to be considered as qualifying for pension has to be restricted to the period for which the employee was contributing to his CPF. These instructions were held contrary to the Pension Rules by the Division Bench. The Division Bench held that the said instructions cannot substitute or supplant the substantive provisions of the Pension Rules. The



petitioner was held entitled to count his entire service from 1962 to 1998 as qualifying service for the purpose of pension. The condition that qualifying service would commence from the date of contribution to the CPF, has been rejected by the Division Bench.

16. From the above discussion, we have come to the conclusion that the entire daily wage service of the petitioner from 1988 till the date of his regularisation is to be counted as qualifying service for the purpose of pension. He will be deemed to be in govt. service prior to 1.1.2004. The new Restructured Defined Contribution Pension Scheme (Annexure P-1) has been introduced for the new entrants in the Punjab Government Service w.e.f. 01.01.2004, will not be applicable to the petitioner. The amendment made vide Annexure P-2 amending the Punjab Civil Services Rules, cannot be further amended by issuing clarification/instructions dated 30.5.2008 (Annexure P-3). The petitioner will continue to be governed by the GPF Scheme and is held entitled to receive pensionary benefits as applicable to the employees recruited in the Punjab Govt. Services prior to 1.1.2004.

17. In view of the above, the writ petition is allowed. Accordingly respondents are directed to treat the whole period of work charge service as qualified service for pension because accordingly to clarification issued on 30.5.2008 (Annexure P-3), the new defined Contributory Pension Scheme would be applicable to all those employees who have been working prior to 1.1.2004 but have been regularised thereafter. Let his pension and arrears be calculated and paid to him expeditiously,



preferably within a period of three months from the date of receipt of copy of this order.

18. No order as to costs.

Petition allowed."

3. *In **Babunji Bhagat vs. State of Punjab and Others**, this Court ruled in favor of a Class IV employee and directed the respondents to recognize the service provided as a Daily Wage Cook from May 13, 1995, to October 15, 2010, as qualifying service for pensionary and retiral benefits. Relevant paras where of read thus:*

"5. A bare perusal of the aforesaid provision shows that the same is explicit and there is no ambiguity. The service is not required to be rendered in the same cadre to be covered under 3.17 Rule. The word used is 'service' and not 'cadre'. Moreover, Division Bench in Harbans Lal's case (supra) explained the import of the Rule and held as under:-

"....We come to the conclusion that the petitioners' initiate date of appointment after regularization will be the date on which employee takes charge of the post. Once the entire service of a daily wager is to be counted as qualifying service then his date of appointment will relegate back to his initial date of appointment i.e. 1988 and he cannot be ousted from pension scheme by applying the date of regularization i.e. 28.3.2005 which is evidently after the new scheme or new restructured defined Contribution Pension Scheme came into force w.e.f. 1.1.2004."

6. In view of the law laid down in Harbans Lal's case this Court finds that the case of the petitioner



would be fully covered therein. Consequently, the present writ petition is allowed.

7. Accordingly, the respondents are directed to treat the whole period of daily wage service as qualifying service for pensionary/retiral benefits of the petitioner and his claim to pension will be governed as per old Rules and not under the New Defined Contributory Pension Fund Scheme.

8. Ordered accordingly.”

7. Learned State counsel despite his best efforts has not been able to controvert the abovesaid factual position and the law laid down in the aforesaid judgments.

8. In view of the above, present petition is allowed. Impugned order dated 01.12.2017 (Annexure P-6) is hereby set aside and quashed and the respondents are directed to count the daily wage service of the petitioner from 01.10.1984 to 19.12.1996 for the purpose of pension and other pensionary benefits, with all consequential benefits and the same be released to the petitioner within a period of three months from the date of receipt of certified copy of this order.

18.12.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No