

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

CWP-12441-1993

Date of decision : 25.03.2015

NACHHATTAR SINGH

...Petitioner

V/S

STATE OF PUNJAB & ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. M. K. Tiwari, Advocate for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab

JITENDRA CHAUHAN, J. (Oral)

Prayer in the present petition filed under Articles 226 and 227 of the Constitution of India is for issuance of directions to the respondents to release the pension of the petitioner after counting the work charge service rendered by him.

It is contended that petitioner had joined service as Work-Charge Chowkidar w.e.f 01.11.1971 and retired on 31.01.1987. Thereafter, as per policy decision of the government, the services of work charged employees, who had rendered 5 years continuous service, was to be regularised and as such the service of the petitioner was deemed to be regularised w.e.f. 01.11.1976. After the retirement petitioner had moved representations for his pension case to the Government, however, the same have not been decided so far.

It is contended on behalf of the petitioner that his case is

squarely covered by the judgment of this Court in case ***Sardari Lal Vs. State of Punjab*** passed in **CWP No.13374 of 1990**, decided on 11.02.1991.

Inspite of opportunities return has not been filed.

The petitioner has rendered 17 years service i.e. from 23.11.1948 to 17.08.1965 as work charge employee. Since the petitioner was not made regular he was not granted pension and gratuity.

A full Bench of this Court in Kesar Chand Vs. State of Punjab AIR 1988 Punjab and Haryana 265 held that in computing pension the service rendered by a person in work charge capacity is also to be taken into account for determining the qualifying service for pension and gratuity. Accordingly following the aforesaid decision, we are of this view that the petitioner was entitled to pension and gratuity.

Let the pension be calculated within 4 months from today. However, petitioner would be entitled to arrears for a period of three years and two months before filing of the petition i.e. 12.10.1990 and not earlier. The arrears be paid within two months thereafter.

With this order and direction, the writ petition stands disposed of.

Keeping in view the prayer made in the petition, without advertng to the merits of the case, at this stage, the present petition is

disposed of with a direction to the respondents, to consider and decide the claim of the petitioner, in terms of order passed in CWP No.13374 of 1990 dated 11.02.1991, by passing a speaking order, within a period of four months from the date of receipt of a certified copy of this order.

Disposed of.

25.03.2015

ashok

(JITENDRA CHAUHAN)
JUDGE