

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

**CWP No.15359 of 2013**

**Date of Decision:18/08/2015**

Didar Singh and others

...Petitioners

Versus

Pepsu Road Transport Corporation and another

... Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. A.S. Khinda, Advocate for the petitioners.

Mr. Harsh Aggarwal, Advocate  
for the respondents.

1. To be referred to the reporters or not?
2. Whether the judgment should be reported in the digest?

**DEEPAK SIBAL, J. ( Oral )**

Written statement filed on behalf of the respondents in Court today is taken on record. Copy thereof has been handed over to the counsel opposite.

Through the present petition, the petitioners have prayed for issuance of a direction to the respondents to count total service rendered by them towards qualifying service for the purpose of pension instead of counting period of service from the date that the petitioners started contribution to the provident fund.

Learned counsel for the parties are *ad idem* that the issue raised in the present case stands already decided in favour of identically situated employees in CWP No.16690 of 2011; Charanjit Singh and others v. Pepsu Road Transport Corporation and another; decided on 12.3.2012 wherein it has been held as under:

*“9. Somewhat similar worded Rule, namely, Rule-6 of the Punjab Privately Managed Recognized Aided Schools Retirement Benefits Scheme, 1992, was considered by a Division Bench of this Court in Ram Lubhaya Khanna and others versus State of Punjab and another 2007 (3) SCT 780 and following the earlier decisions including Kasturi Lal Khurana's case (supra), it was held that “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 or from an earlier date if the employee had started contributing to the contributory Provident Fund. Therefore, the petitioners would be entitled to counting of their service with effect from the date of their appointment.”*

*10. The issue was re-agitated before this Court at the instance of the respondent-Corporation in CWP No.19292 of 2010 (Pritam Singh versus Pepsu Road Transport Corporation and others) decided on 23.2.2012 also but its plea was turned down, observing that “the service rendered by the petitioner w.e.f. 6.2.1971 to 1.1.1972 was with the respondent-Corporation only. There appears to be no justification to exclude the said service from 'qualifying service' for the grant of pensionary benefits, though the petitioner shall be required to deposit the arrears of CPF drawn for the said period alongwith interest that may be determined by the Corporation.”*

*11. Following the above cited precedents, there can be no other conclusion but to allow the present writ petition subject to the same terms and conditions and the time schedule as has been prescribed in operative part of the order dated 23.2.2012 passed in Pritam Singh's case (supra).”*

In view of the above, the present writ petition is allowed with a direction to the respondents to count the total service rendered by the petitioners and not just the service rendered by them from the date they started contribution to the provident fund as qualifying service for the grant of pensionary benefits. The petitioners shall be required to deposit the arrears of Contributory Provident Fund drawn by them for the said period alongwith interest that may be determined by the respondents.

**( DEEPAK SIBAL )  
JUDGE**

18.08.2015  
rajeev