

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

Civil Writ Petition No.11651 of 2013 (O&M)

Date of decision: 30.3.2016

Daljit Singh and others

... Petitioners

Versus

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.A.D.S.Bal, Advocate,
for the petitioners.

Mr.Inqulab Nagpal, AAG, Punjab.

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

RAJIV NARAIN RAINA, J. (Oral)

Mr.Nagpal learned Assistant Advocate General, Punjab has been very fair in conceding that this matter is covered by various decisions of this Court starting from **Kesar Chand v. State of Punjab and others;** AIR 1988 (P & H) 265 which was upheld by the Supreme Court on the principle that the daily wage/work charged service followed by regular service is to be included in the period of service qualifying for pension. Therefore, the petitioners deserve parity of treatment with those who have had the benefits of the law.

In addition, Mr.A.D.S.Bal relies on the decision of the Supreme Court in **State of Punjab v. Harbans Lal and others;** in Review Petition

(C) No.2038 of 2013 in SLP (C) No.23578 of 2012 when the review application was dismissed on 4.11.2015. As a result, this petition is allowed. The petitioners are held entitled to count there previous service as daily wage/work charged/*ad hoc* as period qualifying for pension by clubbing the total period. The State is directed to calculate arrears of pension to re-fix pension and pay the arrears to the petitioner within 3 months from the date of receipt of a certified copy of this order.

(RAJIV NARAIN RAINA)
JUDGE

March 30, 2016
Paritosh Kumar