

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

CWP No. 16606 of 2014

Date of decision: 11.3.2016

Roora Ram

... Petitioner

Versus

Punjab State Power Corporation Ltd. & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Snehdip Oberoy, Advocate, for
Mr. Peeush Gagneja, Advocate,
for the petitioner.

Mr. Roshan Lal Sharma, Advocate,
for the respondents.

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

RAJIV NARAIN RAINA, J.(Oral)

1. Punjab State Electricity Board misreads the order dated January 8, 1981[Annex P-1] as an order of termination. An application rejecting the order has disclosed that it is an order which changes the status of the petitioner from ad hoc to work charged by process of absorption. Therefore, the order is a termination-cum-absorption order. Terminating status and simultaneously creating new one. The period spent on ad hoc basis from January 31, 1977 to September 14, 1981 will not count for seniority but when the period is followed by work charged service it will count towards pension and pensionary benefits provided work charged service leads to regular service as in this case. It is thus a misconception in para. 3 of the written statement in the mind of the Board when it tries to carve out a defence resisting the actionable claim, and

builds a case of fresh appointment on work charged basis on January 14, 1981 using the gap as a break in service to de-link the past and wipe it off the board. This is looking at the issue from the wrong angle.

2. The date January 14, 1981 could at best have been the date of appointment pursuant to the office order No. 17180 dated September 4, 1981, where the name of the petitioner Rooru Ram fell at Sr. No.8 amongst the beneficiaries. The petitioner served on work charged basis from January 14, 1981 to September 11, 1981 when his services were made regular as Assistant Lineman. The defence of the Board in para. 3 is thus wholly misconceived and is liable to be rejected. Ad hoc service in this case is not claimed towards seniority but only for qualifying service for pension and pensionary benefits. The transformation of the petitioner was in the following stages:- He was first appointed on ad hoc basis, then on work charges basis and thereafter his services were regularized. It is not disputed that the petitioner retired as a regular employee of the Board.

3. As a result of the foregoing position, there is merit in the writ petition which is allowed. The impugned order dated December 13, 2013 [Annex P-3] is set aside. The petitioner is held entitled to pension by counting the entire length of service including ad hoc and work charged service in view of the law laid down by the Full Bench of this Court in **Kesar Chand v. State of Punjab**, 1988(2) PLR 223, which has been upheld by the Supreme Court and is the governing law on the subject matter.

(RAJIV NARAIN RAINA)
JUDGE

11.3.2016

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