

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

**CWP No.23226 of 2014
Date of decision:11.5.2016**

Ajmer Singh

... Petitioner

Versus

Punjab State Power Corporation Ltd. & ors.

... Respondents

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

Present: Mr. HK Brinda, Advocate,
for the petitioner.

Mr. RL 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. The prayer in this petition is to count work charge service between January 1, 1986 to May 30, 1996 with regular service for purposes of pension, pensionary benefits etc. The prayer is allowed in view of the Full Bench decision in Kesar Chand v. State of Punjab, 1988 (5) SLR 27: AIR 1988 Punjab & Haryana 265, with the law declared in favour of the petitioner. It will give rise to a right to re-fixation of pay and pension by treating work charge period as period qualified for pension and pensionary benefits since law was declared two years after the petitioner was appointed on work charge basis. The respondent-Board-PSPCL was under an obligation to give effect to the principle on their own and without representation on the date of superannuation. The petitioner would also be entitled to interest at the rate of 12% per annum

for the reason that Board/PSPCL applies the same rate of interest for EPF amounts. The petition is supported by Annexure R-1 para 19(B) which guarantees interest shall be calculated @12% as per FC41/95 dated December 17, 1995 on Board's share (with interest) from the date of regularization of service of the concerned employee upto the date of deposit.

2. As a result, this petition is allowed. The amounts be calculated. Formalities contained in para 19(C) be initiated and completed by the Board/PSPCL. In the exercise, the petitioner would cooperate on the date fixed for him to visit the office to sit with the dealing person to work out the amounts. PSPCL to notify within fortnight the time, date and venue where such a meeting would take place to resolve the amounts to be paid/deposited so that no dispute is raised in future in terms of para 19 itself.

(RAJIV NARAIN RAINA)
JUDGE

11.5.2016
monika